

JUL 5 1985

Howard-Donley Associates, Inc.
240 S. Wolcott, Room 211
Casper, Wyoming 82601

License: 49-19334-01
Expiration Date: April 30, 1985

Gentlemen:

SUBJECT: NOTICE OF VIOLATION

This refers to the telephone discussion between Glen Brown of this office and Mr. L. G. Clark of your organization on June 3, 1985. The subject of the discussion was the fact that NRC records show that the Byproduct Materials License identified above has expired and no renewal application has been filed in accordance with Section 30.37 of Title 10, Code of Federal Regulations, Part 30.

From our discussion with your representatives, we learned that you still possess material which requires a specific NRC license. Your possession of that material without a valid, specific license is a violation of Section 30.3, 10 CFR Part 30. Section 30.3 states:

Section 30.3 Activities Requiring License. Except for persons exempt as provided in this part and Part 150 of this chapter, no persons shall manufacture, produce, transfer, receive, acquire, own, possess, use, import, or export byproduct material except as authorized in a specific or general license issued pursuant to the regulations in this chapter.

This Notice of Violation is sent to you under the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Section 2.201 requires you to submit to this office, within 30 days of your receipt of this notice, a written statement or explanation in reply including: (1) corrective steps which have been taken by you, and (2) corrective steps which will be taken to avoid this happening in the future.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the Public Document Room.

In addition to your reply to this Notice of Violation, if you want to continue your program you must immediately submit the enclosed NRC Form 313, "Application for Byproduct Materials License," to this office, U. S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, Attention: Chief, Nuclear Materials Safety and Safeguards Branch.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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NMSS:AC
RJEverett
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Also, you must immediately place the radioactive material on hand in secure storage until such time as you acquire a valid license. No other use of the material on hand or purchase of additional byproduct material is authorized. Include a statement in your reply to this Notice of Violation confirming that you have taken this action and describing the controls that will be exercised over the stored material until such time that you obtain a valid license.

Since your present license has expired, your application for renewal will be processed as a request for a new license. Accordingly, you must determine if your program is subject to a license fee as required by Section 170.31 of 10 CFR Part 170 and, if one is required, submit the appropriate fee along with the application.

If you choose not to reactivate your program, you must divest yourself of the material immediately, in a lawful manner, and complete the enclosed NRC Form 314, "Certificate of Disposition of Materials," and submit it within 30 days to the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of this completed form should be sent to the U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, Attention: Chief, Nuclear Materials Safety and Safeguards Branch.

The response directed by this Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

We request that you give prompt attention to these matters. Should you have any questions regarding them, we would be pleased to discuss them with you.

Sincerely,

"Original Signed by:"

C. L. Cain

for: R. J. Everett, Acting Chief
Nuclear Materials Safety and
Safeguards Branch

Enclosures:

1. NRC Form 313
2. NRC Form 314
3. 10 CFR Part 170

cc w/o enclosures:

Vandy L. Miller, Chief, Licensing
Management Branch, NMSS

Wyoming Radiation Control Program Director

bcc: DMB (IE07)

R. Martin
R. Bangart
T. Westerman
G. Brown
J. Marshall
RIV Files
NMS&SB