

file

JUL 10 1985

Elmo Greer & Sons, Inc.
ATTN: Lee Anderson
P. C. Box 730
London, KY 40741

Gentlemen:

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION CONCERNING THE USE OF PORTABLE
MOISTURE-DENSITY GAUGES BY ELMO GREER & SONS, INC., IN WEST VIRGINIA

Based on a letter dated June 17, 1985, signed by Angela Howard for Tom Caudel and a subsequent phone conversation between Lee Anderson and Carol Connell of this office, it appears that Elmo Greer & Sons, Inc., currently possesses and is using portable moisture-density gauges in West Virginia and will have at least one of these gauges in West Virginia until the fall of 1986.

Under 10 CFR 150.20, the U. S. Nuclear Regulatory Commission recognizes Agreement State licenses (such as those issued by Kentucky) under certain conditions:

1. The licensee should file 4 copies of Form NRC-241 and 4 complete copies of its Agreement State specific license to the NRC at least 3 days prior to engaging in such activity; and
2. The licensee shall not possess radioactive materials or engage in activities authorized above for more than 180 days in any calendar year.

Although your work has already begun in West Virginia, you need to complete the NRC-241 forms as soon as possible and return with complete copies of your Kentucky license within 10 days of the date of this letter. (NRC-241 forms and Part 150 enclosed.)

As soon as you have done the above, you will need to file for an NRC license within 30 days, since you will have the gauges in West Virginia for more than 180 days. Enclosed are application forms, our "Guide for the Preparation of Applications for Licenses for the Use of Sealed Sources in Portable Gauging Devices," and the license fee schedule.

All above correspondence should be addressed to:

U. S. Nuclear Regulatory Commission
Region II
Nuclear Materials Safety Section
101 Marietta Street,
Suite 2900
Atlanta, GA 30323

Your situation is in violation of 10 CFR 150.20 and 10 CFR 30.3; however, in accordance with 10 CFR 2, Appendix C, the NRC encourages and supports a licensee's initiative for self-identification and correction of problems. If the violation has been identified and reported by the licensee, fits in Severity Level IV or V categories, and has been or will be corrected within a reasonable period of time, the NRC will not generally issue a Notice of Violation.

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Elmo Greer & Sons, Inc.

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If you should have any questions, do not hesitate to contact me at
(404) 221-5549.

Sincerely,

J. Philip Stohr, Director
Division of Radiation Safety
and Safeguards

Enclosures:

1. Application package
2. NRC 241 Forms and
Part 150

bcc:

Document Control
State of Kentucky
L. Cobb, IE

RII

CCConnell
7/2/85

RII

JPPotter
7/3/85

RII

KBarr
7/1/85

RII

JStohr
7/10/85

RII

GJenkins
7/10/85

Location of Visit/Conference

INCOMING

OUTGOING

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (OFFICE, BRANCH, BUREAU, etc.)

TELEPHONE NO.

LEE ANDERSON, ENGINEER

ELMO GREER & SONS, Inc.

(606)

843-6136

SUBJECT

LETTER DATED JUNE 17, 1985 REQUESTING
RECIPROCITY (?)

SUMMARY

I explained to Mr. Anderson that the ⁽²⁴¹⁾ forms should be filed 3 days prior to engaging in activities. When I asked him how long the gauges would remain in use, he indicated the following:

Raleigh project #1 - until January 1, 1986

project #2 - until January 1, 1986

Shenandoah project - fall of 1986

He indicated that two gauges just recently were taken to C.D. but one had been taken over in the fall of '84. I explained that he needs to go ahead and file the 241 forms but, as soon as possible, file for an NRC license since they will be exceeding the 180 day limit.

ACTION REQUIRED

(Carol - check license identified criteria in 10CFR 2, App. C, IV. 4. (1)(2)(3)(4) 5)
Probably don't need an NRC, but we need to hold papers to see if they submit paper 241

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE