

# TESTING LABORATORIES, INC.

MEMBER OF:  
AMERICAN PETROLEUM INSTITUTE  
AMERICAN SOCIETY FOR TESTING MATERIALS  
AMERICAN CONCRETE INSTITUTE  
AMERICAN WELDING SOCIETY  
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

DCS  
PDR

TESTING & INSPECTION  
OF CONSTRUCTION MATERIALS  
CERTIFIED IN FALLOUT  
SHELTER ANALYSIS  
SOILS INVESTIGATIONS

January 16, 1997

Docket No. 150-00030  
License No. DM223-10 (New Mexico)  
EA-96-447  
Notice of Jan. 6, 1997

ATTN: Mr. James Lieberman  
Director/Office of Enforcement  
US Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

## RE: REPLY TO NOTICE OF VIOLATION

Dear Mr. Lieberman:

The notice of violation and proposed imposition of Civil Penalty was received by Testing Laboratories, Inc. via fax on January 6, 1997.

The violation states that Testing Laboratories, Inc. performed activities at Holloman Air Force Base and White Sands Missile Range (areas of exclusive federal jurisdiction) using by product material without being authorized to conduct such activities under either specific or general NRC license (01013).

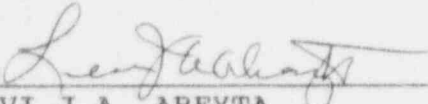
1. I am herewith admitting to the violation as stated above during the 1992, 1993 and 1995 years which I was financially unable to apply and pay for reciprocity due to minimal work at either installation.
  2. The prime reason for the violation being that Testing Labs., Inc. was financially unable to pay the reciprocity fees, as well as not being aware that Holloman Air Force Base was under NRC jurisdiction.
  3. Corrective steps taken thus far have been the 1996 application for NRC reciprocity, Form 241 and payment of \$1100.00 fee. Presently, I am preparing an application for a specific license with the possibility of applying for reciprocity in lieu of a specific license in order to be able to perform moisture-density tests if we are successful in acquiring any work at HAFB or WSMR.
  4. We have not and will not use our gages at either installation in 1997 until which time we have either submitted a 241 or 313 and received approval by NRC as required.
  5. Date of full compliance should be sometime in January 1997.
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PDR


RE: REPLY TO NOTICE OF VIOLATION (CONT'D)

Attached you will find check no. 21660, for payment of penalty in the amount of \$2,500.00, made out to the Treasurer of the United States. (Please note the last line of the fax copy of notice of violation is not legible, assumed to read Treasurer of the United States.)

Respectfully,

  
LEVI J.A. ABEYTA

The foregoing instrument was acknowledged before me this 30th  
day of January, 1997, by LEVI J.A. ABEYTA.

  
NOTARY PUBLIC

My commission expires:  
09-09-2000

cc;1-Addressee  
1-Region IV Administrator/Arlington, TX