

## JOHN W. DONNELL &amp; ASSOCIATES, INC.

CONSULTING ENGINEERS

CIVIL ENGINEERS  
LAND SURVEYORS

1701 BIG HORN AVE.

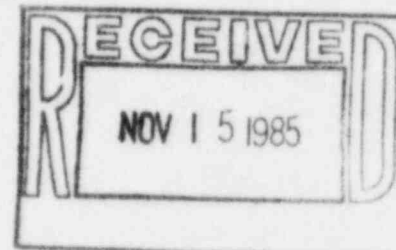
P.O. BOX 638

WORLAND, WYOMING 82401

307-347-8276

November 12, 1985

U.S. Nuclear Regulatory Commission  
Region IV  
611 Ryan Plaza Drive, Suite 1000  
Arlington, TX 76011



ATTENTION: Chief, Nuclear Materials Safety Section

RE: Expired License: 49-19407-01

Gentlemen:

This is in response to a letter designated "NOTICE OF VIOLATION", signed by Ramon E. Hall, Chief, Radiological and Safeguards Programs Branch, dated November 1, 1985, and received in this office on November 8, 1985.

As referenced in the subject letter, the expiration of our license was called to my attention in a telephone call from Glen Brown of NRC, on October 10, 1985. I had just recently replaced Charles E. Bartlett, P.E. as Radiation Safety Officer, as authorized in Amendment No. 4 of our NRC material license, dated June 19, 1985, as Mr. Bartlett had left our employment to take another job.

I was advised by Mr. Brown that we could not renew our license, because it had expired, and we would have to submit a new application. I asked Mr. Brown if we should not have received a notice from NRC prior to expiration, and he said "No".

In the NRC letter which accompanied our June 19, 1985 Amendment No. 04 from NRC, in paragraph 6, it states specifically, "You will receive a reminder notice approximately 90 days before the expiration date." We received no such notice. In fact, our amendment notification was dated only 42 days prior to the expiration date.

So in response to your first paragraph, you are correct in stating that no renewal application has been filed.

The day after hearing from Mr. Brown, on October 11, 1985, we mailed our application, by express mail, for a new license, along with our check in the amount of \$230.00 for the application fee. We were told by Mr. Brown that we should receive our new license in about a week.

On about October 30, 1985, I called NRC to inquire about the status of our application, and was told by Joy Marshall that our application had been received, and that it had been sent on to Washington.

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U.S. Nuclear Regulatory Commission  
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Now, we have received your NOTICE that we "must immediately submit NRC Form 313, 'Application for Byproduct Materials License,' to this office - - - ."

I am enclosing a copy of our application on Form 313, dated October 10, 1985, and mailed on October 11, 1985, together with the letter of transmittal which expresses some of our concerns, a copy of the NRC letter to us dated June 19, 1985, in which we were advised that 90 days advanced notice would be given, and a copy of our license application fee check.

You have asked us to respond specifically to: (1) corrective steps which have been taken by us, and (2) corrective steps which will be taken to avoid this happening in the future.

We have responded to item (1) both in this letter and in the enclosed letter dated October 11, 1985.

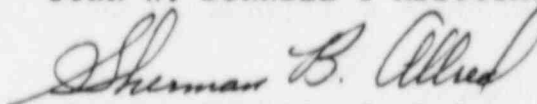
With regard to item (2), we will post the expiration date on the storage cabinet in which the gauge is locked, and we will periodically check the expiration date on our license when our film badge reports are checked.

As stated in our letter of October 11, 1985, we will not use the gauge until our new license is granted. The gauge has been locked in our approved storage cabinet, and will remain there until our license is granted. No use of the material on hand or purchase of additional byproduct material will be made until such time as we acquire a valid license.

Hopefully, all of your concerns have been satisfactorily readdressed. If not, let us know.

Sincerely,

JOHN W. DONNELL & ASSOCIATES, INC.

  
Sherman B. Allred, P.E.  
Radiation Safety Officer

SBA/svh

Enclosures

cc: Wyoming Radiation Control Program Director