

April 11, 1997

CAL No. 2-97-002

Mid-Atlantic Resources, Inc.
ATTN: Tim McCoy, President
100 Corporate Ridge Drive, Suite 101
Birmingham, AL 35242

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Mr. McCoy:

This refers to information we obtained from you and the Bankruptcy Trustee, Lyndon Graham, for Maben Energy Company that you are in possession of a Nuclear Regulatory Commission licensed portable Troxler moisture density gauge without a specific NRC license. We understand that you acquired the gauge, without your knowledge, when you purchased the assets of Maben Energy Company. Possession of this device without a specific NRC license is a violation of 10 CFR 30.3.

Pursuant to a telephone conversation between you and Mr. John Potter of our office, on April 8, 1997, it is our understanding that you will take the following actions which will be completed by the dates specified:

1. Refrain from usage of the gauge and continue to secure it from unauthorized removal, at the East Gulf Preparation Plant, Rhodell, West Virginia until you either obtain an NRC license or transfer the gauge to someone licensed to possess it; and
2. Notify this office by April 30 1997, of your decision to either obtain a license or transfer the gauge.
3. Apply for an NRC license for the gauge within 45 days of the date of this letter, or transfer the gauge to a licensed recipient within 60 days of the date of this letter.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

1. Notify me immediately if your understanding differs from that set forth above;
2. Notify me if for any reason you cannot complete the action and advise me in writing of your modified schedule, in advance of the change.

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Issuance of this Confirmatory Action Letter does not preclude issuance of an Order formalizing the above commitments or requiring other actions on the part of the possessor; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and any written response that you may provide will be placed in the NRC Public Document Room (PDR). To the extent possible, any response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

Bruce S. Mallett, Director
Division of Nuclear Materials Safety

Docket No. 030-31351
License No. 47-25070-01

cc: State of West Virginia

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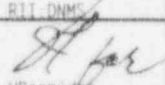


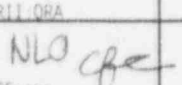
DCool, NMSS

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ADDRESSEE FAX: (205) 980-2515

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DATE	04 / 9 / 97	04 / 9 / 97	04 / 9 / 97	04 / 09 / 97	04 / / 97	04 / / 97
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and any written response that you may provide will be placed in the NRC Public Document Room (PDR). To the extent possible, any response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

cc: State of West Virginia

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SIGNATURE												
NAME	HBermudez*		JPotter*		Buryc*		CEvans*					
DATE	04 / / 97		04 / / 97		04 / / 97		04 / / 97		04 / / 97		04 / / 97	
COPY?	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO

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*Coordinated with NMSJ
T. H. Graham by T. Parker*