

JACOBI, KAPPEL & CASE, P.C.

ATTORNEYS AT LAW

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Please Reply to Milford

June 19, 1997

VIA FACSIMILE AND FIRST CLASS MAIL

A. Randolph Blough, Director
Division of Nuclear Materials Safety
United States Nuclear Regulatory Commission
Region 1
475 Allendale Road
King of Prussia, PA 19406-1415

RE: Licensee: D & B Tool Co.
83 Erna Avenue
Milford, Connecticut 06460
License No. STB-1505
Docket No. 040-08936
EA No. 96-477

Dear Mr. Blough:

I am writing to request a forty-five day extension of time in which to respond to the Second Demand for Information directed to Mr. John Butka, D&B Tool Co. An extension of forty-five days would render the Response due no later than August 4, 1997.

This firm is in receipt of your April 23, 1997 correspondence granting our prior request for an extension of time to respond to the Second Demand for Information. As indicated in your letter, our response is currently due, without a further extension, on June 20, 1997.

A second extension is necessary for the following reasons:

1. Attorney Steven M. Allen, who was formerly handling this file left this firm earlier in the month. Because substantial review and analysis has been and is necessary to become fully knowledgeable of this file, additional time is required to complete the Response.

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A. Randolph Blough

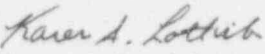
June 19, 1997

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2. Providing the information requested requires the involvement of financial and technical consultants. Additional time is therefore necessary to interface with and obtain information from each of the involved consultants.
3. The information requested is both comprehensive and extensive with respect to a number of different areas of inquiry. The information requested was set forth in Attorney Steven Allen's correspondence to you dated April 16, 1997, a copy of which is attached for your convenience.

Thank you for your consideration of this matter. I look forward to hearing from you.

Sincerely,


Karen A. Lottick

KAL/mss

enc.

cc: John Butka

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Please Reply to Milford

April 16, 1997

**VIA FACSIMILE (610) 337-5324
and First Class Mail**

A. Randolph Blough, Director
Division of Nuclear Materials Safety
United States Nuclear Regulatory Commission
Region 1
475 Allendale Road
King of Prussia, PA 19406-1415

**RE: Licensee: D & B Tool Co.
83 Erna Avenue
Milford, Connecticut 06460**
License No. STB-1505
Docket No. 040-08936
EA No. 96-477

Dear Mr. Blough:

I am in receipt of a letter and Demand for Information (the "Demand letter") issued by Hubert J. Miller of the United States Nuclear Regulatory Commission (the "Commission"), each dated April 7, 1997, to my client, John Butka / D&B Tool Company of Milford, Connecticut. Although both documents were dated April 7, the envelope in which they were sent was postmarked April 9 and they were received by this office on April 14.

As can be noted from Mr. Miller's letter, as well as from the Demand letter, my client has been asked to provide the Commission with the following information in writing and under oath of affirmation within a thirty (30) day deadline under the potential penalty of an enforcement action by the Commission, should he fail to comply with the stated time constraint:

1. Documentation concerning the licensee's current holdings of land and/or buildings at which current and previous licensed activities were authorized, including:

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A. Randolph Blough, Director

April 1, 1997

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- a. A description of the facilities at 67 and 83 Erna Avenue in Milford, Connecticut and any other address where licensed activities are or were previously authorized and whether these facilities are owned or leased by the licensee.
 - b. For facilities owned by the licensee, a statement of worth for the land and buildings, a listing of income for the rental or lease of the properties and the owner and amount due for any mortgages in place on the properties.
2. Information pertaining to the licensees' request to amend its NRC license so as to reduce the number of drums of thorium wastes it is required to dispose of, including:
 - a. The name of at least one low-level radioactive waste contractor who is appropriately qualified and who will accept the licensee's thorium wastes for disposal.
 - b. A statement concerning the status of the packaging of the forty-four (44) drums of thorium wastes.
 - c. A cost estimate from the low level radioactive waste contractor for the disposal of either two (2) or five (5) drums per shipment or for the disposal of all forty-four (44) drums at once.
 - d. Documentation that a permit has been or a statement that a permit will be obtained to dispose of the thorium wastes at an authorized low-level radioactive waste disposal facility. In addition, a statement that the licensee will maintain the permit for as long as necessary to dispose of all barrels of thorium wastes in its possession.
3. A plan for financing the cost of disposing of two (2) drums per year, along with all other related and necessary costs. This will include a description of how the activities will be funded.

During the past several months, my client has been actively involved in addressing issues concerning the securing, categorization and disposal of the thorium wastes in his possession. He has also attempted to ascertain the identify of the party or parties who are responsible for the costs

A. Randolph Blough, Director
April 16, 1997
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associated with the subject thorium wastes. These efforts on his part have come at great expenditures of time and expense and are not yet complete.

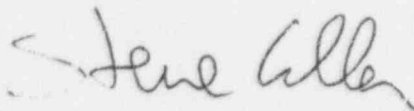
In view of the following factors:

1. Providing the information requested by the Commission in the Demand letter will require the involvement of financial, legal and technical consultants on behalf of the licensee,
2. The information requested is both comprehensive and extensive with regard to a number of independent areas of inquiry; and
3. The April 14 date of receipt of the letter and Demand letter issued by Mr. Miller only provides seventeen (17) business days within which to identify, organize and submit the requested information to the Commission in order to comply with the stated May 6, 1997 deadline.

It is requested that my client be provided with a forty-five (45) day extension of time to commence at the conclusion of the Commission's originally stated response period. Said period will conclude on May 6, 1997. The requested extension period will conclude on June 20, 1997.

Thank you for your attention and consideration in this matter. Should you have any questions or comments concerning this request, do not hesitate to contact me directly by telephone. I look forward to receiving your response in the near future so that my client and I may schedule our efforts accordingly.

Sincerely,



Steven M. Allen

SMA/lc
cc: John Butka