

OCT 24 1989

In Reply Refer To:  
CAL 89-21

McBride & Sons  
ATTN: Don McBride  
5600 North I-35 and  
Industrial Boulevard  
Edmond, Oklahoma 73034

Gentlemen:

SUBJECT: CONFIRMATION OF ACTION LETTER

The purpose of this letter is to confirm the commitments made during the telephone discussion between you and Mr. R. J. Everett of my staff on October 24, 1989. During this discussion, you confirmed that a company representative had purchased a nuclear gauge from J. R. Testing Lab., Inc., Abilene, Texas, on or about July 13, 1989, and that the company now possessed the gauge. You were informed that your company could not possess the gauge without a valid NRC or agreement state license. You admitted no knowledge of NRC licensing requirements and indicated a desire to obtain an NRC license and use the gauge.

Based on this conversation, it is my understanding that McBride & Sons will take the following actions:

1. Arrange for Standard Testing Company, an NRC licensee in Oklahoma City, to pick up the gauge and maintain the gauge in secure, safe storage.
2. Arrange the transfer of the gauge to Standard Testing Company on or before October 25, 1989.
3. File a request for an NRC license with this office within 30 days of your receipt of the NRC license application and related materials.

Issuance of this Confirmation of Action Letter does not preclude the issuance of an order formalizing the above commitments or requiring other actions on the part of McBride & Sons; nor does it preclude NRC from taking other enforcement

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

\*RIV:C:NMLS  
RJEverett/ch  
/ /89

\*EO  
GFSanborn  
/ /89

\*AD:DRSS  
BMurray  
/ /89

RA  
RDMartin  
/ /89

AI 89-288

\*Previously Concurred

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action for the violations of NRC requirements that have prompted the issuance of this letter. If your understanding differs from that set forth above, please call Mr. R. J. Everett at (817) 860-8187 immediately.

Sincerely,

**ORIGINAL SIGNED BY  
J.M. MONTGOMERY**

Robert D. Martin  
Regional Administrator

cc:  
Oklahoma Radiation Control Program Director

bcc:

✓ DMB - IE-07

J. M. Taylor, A/EDO  
J. L. Lieberman, D/OE  
L. J. Chandler, Asst. GC/OGC  
H. L. Thompson, DECS  
R. M. Bernero, D/NMSS  
J. E. Glenn, C/MACUS  
B. Summers, OE  
R. D. Martin, RA  
A. B. Beach, D/DRSS  
L. A. Yandell, DD/DRSS  
R. E. Hall, URFO  
R. J. Everett  
C. L. Cain  
G. F. Sanborn  
J. Carson, RA Sect'y  
NMIS Inspectors (5)  
NMLS Staff (3)  
NMIS  
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