

OCT 13 1989

In Reply Refer To:  
Docket: 030-11489/CAL 89-20  
License: 25-16691-01

Butte-Silver Bow  
Department of Public Works  
ATTN: David Fisher  
Chief Executive  
Courthouse  
Butte, Montana 59701

Gentlemen:

SUBJECT: CONFIRMATION OF ACTION LETTER

The purpose of this letter is to confirm the commitments made during the telephone discussion between Mr. Bill Patrick of your staff and Mr. C. L. Cain of my staff on October 13, 1989.

During this discussion, Mr. Patrick stated that the two individuals named as authorized users of portable moisture/density gauges on your NRC license are no longer responsible for these devices and reportedly are no longer employed by Butte-Silver Bow. Also, Mr. Cain stated that the model number of the gauge Mr. Patrick identified as recently acquired is not authorized on the NRC license issued to Butte-Silver Bow.

Based on this conversation, it is my understanding that Butte-Silver Bow will take the following actions:

1. Maintain all licensed materials authorized under NRC License No. 25-16691-01 and the portable moisture/density gauge you recently acquired in locked, safe storage at your facility at Butte-Silver Bow, Courthouse, first floor, Butte, Montana.
2. File a request for amendment of your NRC license with this office within 7 days of your receipt of this letter. The amendment request should identify the name and qualifications of the individual to serve as Radiation Safety Officer under the license. Also, authorization to possess the model number of the gauge recently acquired should be requested.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RIV:C:NMIS:mc  
CLCain:cd  
10/13/89

ED *ED*  
for GFSanborn  
10/13/89

\*D:DRSS  
ABBeach  
/ /89

RA *[Signature]*  
RDMartin  
10/13/89

AI 89-275

\*Previously Concurred

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We also recommend that you review the other provisions of your license and the commitments identified in your license application dated July 18, 1985, and your letter dated December 3, 1985, both signed by Dale Cosper, Field Project Supervisor. Any other needed changes to these conditions and commitments should be addressed in your request.

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 Butte-Silver Bow; now does it preclude NRC from taking other enforcement 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. Cain at (817) 860-8186 immediately.

Sincerely,

**Original Signed By**

Robert D. Martin  
Regional Administrator

cc:  
Montana Radiation Control Program Director

bcc:  
✓ DMB - IE-07  
J. M. Taylor, DEDR  
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  
R. E. Hall  
W. L. Fisher  
D. A. Powers  
C. L. Cain  
G. F. Sanborn  
J. Carson, RA Sect'y  
NMIS Inspectors (5)  
NMSB  
RIV Files