

NOV 22 1989

In Reply Refer To:  
CAL 89-22

Midwest Inspection Services  
ATTN: Raymond Ezzell  
Co-Owner  
P.O. Box 1229  
Perryton, Texas 79070

Gentlemen:

SUBJECT: CONFIRMATION OF ACTION LETTER

The purpose of this letter is to confirm the commitments made during the telephone discussions between Messrs. Raymond Ezzell and David Ezzell of your staff and Mr. Charles L. Cain of my staff on November 22, 1989.

During this discussion Mr. Raymond Ezzell agreed that Midwest Inspection Services would cease all radiographic operations using byproduct materials at locations under NRC jurisdiction pending further review by this office. Mr. Ezzell also stated that all byproduct materials stored in the state of Oklahoma would be removed to your Texas facility no later than November 23, 1989.

Midwest Inspection Services, licensed by the state of Texas to perform radiographic operations with byproduct materials at temporary job sites, has previously filed reports with NRC during 1989 in regard to radiographic operations in the state of Oklahoma. These reports were filed under the general license provisions of 10 CFR Part 150, which authorizes such an Agreement State licensee to perform licensed activities at temporary locations under NRC jurisdiction.

However, Section 150.20(b)(3) of this provision limits such operations to 180 days in any calendar year. The inspection conducted by Mr. Jack Whitten and Ms. Vivian Campbell of my staff on November 20, 1989, at your facility at Elk City, Oklahoma, revealed that Midwest Inspection Services has conducted licensed radiographic operations in Oklahoma in excess of 180 days to date during calendar year 1989. Therefore, no further radiographic operations by Midwest Inspection Services are authorized by NRC under the provisions of Part 150 during calendar year 1989.

Radiographic operations utilizing byproduct material in Oklahoma during the remainder of 1989 will only be authorized by issuance of a specific license issued by this office. We are in receipt of the application for license filed by Midwest Inspection Services on September 15, 1989, and will notify you of the results of our review at a later date.

RIV:C:NMIS *etc*  
CLCain/ch  
11/21/89

*[Signature]*  
EO  
GFSanborn  
11/22/89

D:DRSS/  
ABBeach *[Signature]*  
11/22/89

*[Signature]*  
RA  
RDMartin  
11/22/89

AI 89-517

8911300056 891122  
REG4 LIC30  
48-16296-01 PDC

IE-07  
1/0

Midwest Inspection Services  
CAL 89-22

-2-

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 Midwest Inspection Services; nor 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**

Robert D. Martin  
Regional Administrator

cc:  
Texas Radiation Control Program Director

bcc:

✓ DMB - IE-07  
J. M. Taylor, A/EDO  
J. L. Lieberman, D/OE  
L. J. Chandler, Asst. GC/DGC  
H. L. Thompson, DEDS  
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  
R. J. Everett  
C. L. Cain  
G. F. Sanborn  
J. Carson, RA Sect'y  
NMIS Inspectors (5)  
NMIS File  
RIV Files