

JAN 12 1983

Chevron U.S.A., Inc.  
ATTN: R. G. Moss  
P. O. Box 25117  
Salt Lake City, Utah 84125

License: 43-12318-02  
Expiration Date: September 30, 1982

Gentlemen:

SUBJECT: NOTICE OF VIOLATION

This refers to the telephone discussion between Mr. D. B. Spitzberg of this office and Mr. R. G. Moss of your organization on December 21, 1982. The subject of the discussion was the fact that NRC records show that the Byproduct Materials License identified above has expired and no renewal application has been filed in accordance with Section 30.37 of Title 10, Code of Federal Regulations, Part 30.

From our discussion with your representative we learned that you still possess material which requires a specific NRC license. Your possession of that material without a valid, specific license is a violation of Section 30.3, 10 CFR Part 30. Section 30.3 requires:

Section 30.3 Activities requiring license. Except for persons exempt as provided in this part and Part 150 of this chapter, no person shall manufacture, produce, transfer, receive, acquire, own, possess, use, import, or export byproduct material except as authorized in a specific or general license issued pursuant to the regulations in this chapter.

This Notice of Violation is sent to you under the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Section 2.201 requires you to submit to this office, within 30 days of your receipt of this notice, a written statement or explanation in reply including: (1) corrective steps which have been taken by you, and (2) corrective steps which will be taken to avoid this happening in the future.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the Public Document Room.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MRPS ~~JD~~  
BSpitzberg:jd  
1/5/83

MRPS ~~JE~~  
JEverett  
1/5/83

TPB *gm*  
GBrown  
1/5/83

DDW/TPB *REB*  
RBangart  
1/07/83

ES *ES*  
EJohnson  
1/11/83

RA/RIV *RIV*  
JCollins  
1/11/83

3  
JAN 12 1984

In addition to your reply to this Notice of Violation, if you want to continue your program you must immediately submit the enclosed NRC Form 313, "Application for Byproduct Materials License" to the License Management Branch, Office of Nuclear Materials Safety and Safeguards, U. S. Nuclear Regulatory Commission, Washington, D. C., 20555. A copy of the letter forwarding the application to the licensing branch (but not the application) should be sent to this office, Region IV, U. S. Nuclear Regulatory Commission, 611 Ryan Plaza Dr., Suite 1000, Arlington, Texas, 76011, Attention: G. D. Brown, Chief, Technical Programs Branch.

Also, you must immediately place the radioactive material on hand in secure storage until such time as you acquire a valid license. No other use of the material on hand or purchase of additional byproduct material is authorized. Include a statement in your reply to this Notice of Violation confirming that you have taken this action and describing the controls that will be exercised over the stored material until such time that you obtain a valid license.

Since your present license has expired, your application for renewal will be processed as a request for a new license. Accordingly, you must determine if your program is subject to a license fee as required by Section 170.31 of 10 CFR Part 170 and, if one is required, submit the appropriate fee along with the application.

The responses directed by this Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

We request that you give prompt attention to these matters. Should you have any questions regarding them, we would be pleased to discuss them with you.

Sincerely,

Glen D. Brown, Chief  
Technical Programs Branch

Enclosures:

1. NRC Form 313
2. 10 CFR Part 170

cc: Vandy L. Miller, Chief, Licensing  
Management Branch, NMSS

bcc: c/o DMB (IE07)	bcc: RIV
AEOD/NR	J. Collins
IE/DFMS/FFMB01	R. Bangart
IE/RSB	EJohnson/Marshall
NMSS	Inspector
NRC PDR	Suspense File
	RIV File