

DEC 4 1990

In Reply Refer To:
License: 35-18351-01
Docket: 030-14903/90-01

Stewart White and Associates, Inc.
ATTN: Jack White, President
1716 East 7th Street
Tulsa, Oklahoma 74104

Gentlemen:

Thank you for your letter of October 25, 1990, in response to our letter and attached Notice of Violation both dated October 17, 1990. We have reviewed your reply and found that you did not respond to the questions addressed in the Notice of Violation. But since you have submitted the NRC Form 314 to terminate your license, there is no further need to do so. Submission of the Form 314 will be considered to be an adequate response to our letter dated October 17, 1990, until such time, if ever, that you apply for another NRC license.

Sincerely,

Original Signed By:

A. B. BEACH

A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

cc:
Oklahoma Radiation Control Program Director

bcc w/copy of licensee letter:
DMB - Original (IE-07)
ABBeach
MRodriguez, OC/LFDCB (MS 4503)
WLFisher
NMSIS
RIV Files (2)

RDMartin
LAYandell
CLCain
SRajendran
MIS System
RSTS Operator

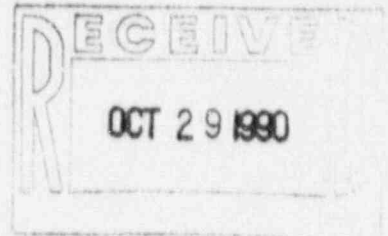
RIV:NMLS *SR*
SRajendran:ch
12/4/90

C:NMLS *WLF*
WLFisher
12/4/90

AB
D:DBSS
ABBeach
12/5/90

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REG4 LIC30
35-18351-01 PDC

IE-07
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October 25, 1990

RE: LICENSE: 35-18351-01
DOCKET: 030-14903/90-01

Nuclear Regulatory Commission
ATTN: Mr. A. Bill Beach, Director Radiation Safety
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

Gentlemen:

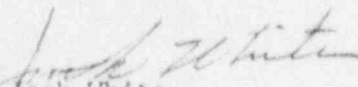
As explanation of any violation of procedure of license transfer we may have committed, I offer the following:

Mr. Ron Brasel, P.E. was the Laboratory Manager for Stewart, White and Associates, Inc., and as such was designated the responsible person for complying with NRC rules and regulations.

When the laboratory services and equipment were sold to Law Engineering Mr. Brasel did in fact make application for a name change in March, 1989 which was granted.

When Law Engineering moved to a new location with the gauges it was my understanding that all of the paper work had been properly handled, and I must confess I failed to follow up to make sure it was completed.

Respectfully,


Jack White
Stewart, White and Associates, Inc.

See attachments

IC.90-312 ~~9011060273/p~~

CERTIFICATE OF DISPOSITION OF MATERIALS

(All items MUST be completed, please print)

LICENSEE NAME AND ADDRESS

Stewart, White and Associates, Inc.
1716 East 7th Street
Tulsa, Oklahoma 74104

LICENSE NUMBER

35-18351-01

LICENSE EXPIRATION DATE

September 30, 1994

THE LICENSEE OR ANY INDIVIDUAL EXECUTING THIS CERTIFICATE ON BEHALF OF THE LICENSEE CERTIFIES THAT: (Check and/or complete the appropriate item(s) below.)

A. MATERIALS DATA (Check one and complete, as necessary)

1. NO MATERIALS HAVE EVER BEEN POSSESSED OR PROCURED BY THE LICENSEE UNDER THIS LICENSE.
- OR
2. ALL MATERIALS PROCURED AND/OR POSSESSED BY THE LICENSEE UNDER THE LICENSE NUMBER CITED ABOVE HAVE BEEN TRANSFERRED ON
- | | | |
|------|----|------------------------------|
| DATE | TO | WHICH HAS NRC LICENSE NUMBER |
| | | |
- OR
3. ALL MATERIALS PROCURED AND/OR POSSESSED BY THE LICENSEE UNDER THE LICENSE NUMBER CITED ABOVE HAVE BEEN TRANSFERRED ON
- | | | | |
|------|----|--------------------------|------------------------|
| DATE | TO | WHICH HAS LICENSE NUMBER | ISSUED BY THE STATE OF |
| | | | |

AN AGREEMENT STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED, AND THE ENERGY REORGANIZATION ACT OF 1974.

4. MATERIALS HAVE BEEN DISPOSED OF IN THE FOLLOWING MANNER. (Describe specific disposal procedures--if additional space is needed, use the reverse of this form, or provide attachments.)

Law Engineering Co. 1540 North 107th East Avenue, Tulsa, Ok. purchased the laboratory equipment of Stewart, White and Associates Inc. including all of the nuclear gauge testing equipment SWA owned and operated. From April to December 1989 Law worked out of SWA offices at 1716 East 7th Street, Tulsa, Ok. The firm of Stewart, White and Associates, inc. does not own or have on the premises any by product material.

B. OTHER DATA

1. OUR LICENSE HAS NOT YET EXPIRED. PLEASE TERMINATE IT.
2. WAS A RADIATION SURVEY CONDUCTED TO CONFIRM THE ABSENCE OF LICENSED RADIOACTIVE MATERIALS AND TO DETERMINE WHETHER ANY CONTAMINATION REMAINS ON THE PREMISES COVERED BY THE LICENSE? (Check one)
- NO
- YES. THE RESULTS (Check one)
- ARE ATTACHED, OR
- WERE FORWARDED TO NRC ON (Date)

3. THE PERSON TO BE CONTACTED REGARDING THE INFORMATION PROVIDED ON THIS FORM

NAME

Jack White

TELEPHONE NUMBER

918-592-2677

4. MAIL ALL FUTURE CORRESPONDENCE REGARDING THIS LICENSE TO

Jack White

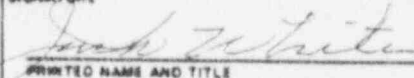
Post Office Box 14344 Tulsa, Oklahoma 74159-1344

RETURN TO:

U.S. Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011
ATTN: DRSS

CERTIFYING OFFICIAL

SIGNATURE



DATE

10-25-92

PRINTED NAME AND TITLE

Jack White

9011060275 IR



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

OCT 17 1990

In Reply Refer To:
License: 35-18351-01
Docket: 030-14903/90-01

Stewart White and Associates, Inc.
ATTN: Jack White, President
1716 East 7th Street
Tulsa, Oklahoma 74104

Gentlemen:

This refers to the routine, unannounced radiation safety inspection conducted by Mr. Selvan Rajendran of this office on August 20, 1990, of activities authorized by NRC Byproduct Material License No. 35-18351-01, at the above address and at 1540 North 107th East Avenue, and to the discussion of our findings held by the inspector with Mr. Jack White and Mr. Ronald Brasel, respectively, at the conclusion of the inspection.

The inspection was an examination of activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observations by the inspector.

NRC Information Notice 89-25, sent out to all NRC licensees on or about March 7, 1989, discussed the licensee's responsibility with respect to the transfer of ownership or control of licensed activities. In May 1989, when Stewart White and Associates was bought out by Law Engineering, they incorrectly assumed that they also bought Stewart White and Associates' byproduct material license. In your letter of July 13, 1989, signed by Mr. Ronald Brasel, you requested a name change to Stewart White, An Office of Law Engineering, and also stated that the address as well as the personnel had remained the same. From this correspondence, the request appeared to NRC to be a simple name change; therefore, this request was granted on September 11, 1989.

The following excerpt is from Information Notice 89-25:

NRC licensees planning to transfer ownership, a change in corporate status, or control of licensed activities are required by 10 CFR to provide sufficient prior notice and full information about the change to NRC, in order to obtain written consent from the Commission before the transfer. Although the burden of adhering to this requirement is on the existing licensee, it will be necessary for the transferee to provide supporting information or to independently coordinate the

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change in ownership or control with the appropriate NRC Regional Office. Failure to comply with this requirement may adversely affect the public health and safety and interfere with NRC's ability to inspect activities. Therefore, NRC may consider that a violation of this requirement warrants escalated enforcement action, including civil penalties and orders, if indicated by the circumstances against one or both of the parties involved. Willful failure to obtain prior NRC approval of the transfer may result in referrals to the Department of Justice for consideration of criminal prosecution.

Please explain the reasons that neither Stewart White and Associates, Inc., nor Law Engineering informed NRC regarding the transfer of ownership. (We note that, since the inspection, an officer of Law Engineering has applied for a new NRC byproduct material license.)

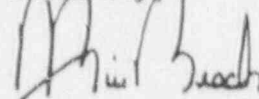
Also, during this inspection, certain of your activities were found not to be conducted in full compliance with NRC requirements. Consequently, you are required to respond to this matter in writing, in accordance with the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

The inspector also reviewed actions you had taken with respect to the violations observed during our previous inspection conducted on December 4, 1987. He verified that corrective actions for the violations had been implemented as stated in your reply dated January 22, 1988.

The response directed by this letter and the accompanying Notice is 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.

Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,



A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

Enclosure:
Appendix - Notice of Violation

cc:
Oklahoma Radiation Control Program Director

Law Engineering
ATTN: Ronald Brasel
1540 North 107th East Avenue
Tulsa, Oklahoma 74116

APPENDIX
NOTICE OF VIOLATION

Stewart White and Associates, Inc.
Tulsa, Oklahoma

Docket No.: 30-14903/90-01
License No.: 35-18351-01

During an NRC inspection conducted on August 20, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violations are listed below:

- A. 10 CFR 30.34(b) states that no license issued or granted pursuant to the regulations in this part and Parts 31 through 35, and 39 nor any right under a license shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

Contrary to the above, in May 1989 the licensed company incurred a change of ownership and control without amending their license to reflect this change.

This is a Severity Level IV violation (Supplement VI).

- B. 10 CFR 30.34(c) requires that each licensee confine his possession and use of byproduct material to the locations and purposes authorized in the license. Condition 10 of License No. 35-18351-01 requires that licensed material be used at 1716 East 7th Street, Tulsa, Oklahoma.

Contrary to the above, from February 1990 to the day of the inspection, licensed material was possessed at 1540 North 107th East Avenue, Tulsa, Oklahoma, a location not authorized by the license.

This is a Severity Level IV violation (Supplement VI).

- C. 10 CFR 30.41(c) requires that, before transferring byproduct material, the licensee verify that the transferee's license authorizes the receipt of the type, form, and quantity of byproduct material to be transferred. 10 CFR 30.41(d) specifies the requirements for verifying authorization.

Contrary to the above, in May 1989, licensed material was transferred to Law Engineering without utilizing one of the verification procedures.

This is a Severity Level IV violation (Supplement VI).

- D. Condition 19 of License No. 35-18351-01 requires, in part, that licensed material be possessed and used in accordance with statements, representations, and procedures contained in letter dated January 20,

1988. This letter specifies that Mr. Bob Goforth will be the radiation safety officer (RSO).

Contrary to the above, on August 20, 1990, an individual other than Mr. Bob Goforth was the RSO.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Stewart White and Associates, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas
this 17th day of October 1990

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 40 and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p>Licensee</p> <p>1. Stewart White An Office of Law Engineering</p> <p>2. 1716 East 7th Street Tulsa, Oklahoma 74104</p>	<p>In accordance with application dated March 31, 1989</p> <p>3. License number 35-18351-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date September 30, 1994</p> <hr/> <p>5. Docket or Reference No. 030-14903</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Cesium-137</p> <p>B. Americium-241</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed sources (Troxler Dwg. No. A-102112)</p> <p>B. Sealed neutron sources (Troxler Dwg. No. A-102451)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. Not to exceed 10 millicuries per source</p> <p>B. Not to exceed 50 millicuries per source</p>
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9. Authorized use

A. and B. For use in Troxler Model 3400 Series moisture/density gauges for measurement of properties of materials.

CONDITIONS

- 10. Licensed material may be used at the licensee's facility at 1716 East 7th Street, Tulsa, Oklahoma, and at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.
- 11. Licensed material shall be used by, or under the supervision and in the physical presence of, Bob Goforth or individuals who have completed the Troxler training course. The licensee shall maintain records of individuals designated as users.

ML-44

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License number

35-18001-01

Docket or Reference number

030-14903

Amendment No. 04

CORRECTED COPY

12. A. (1) The sources specified in Items 7.A. and 7.B. shall be tested for leakage and/or contamination at intervals not to exceed 6 months. Any source received from another person which is not accompanied by a certificate indicating that a test was performed within 6 months before the transfer shall not be put into use until tested.
- (2) Notwithstanding the periodic leak test required by this condition, any licensed sealed source is exempt from such leak tests when the source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material.
- B. Any source in storage and not being used need not be tested. When the source is removed from storage for use or transfer to another person, it shall be tested before use or transfer.
- C. The test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, the source shall be removed from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, ATTN: Director, Division of Radiation Safety and Safeguards. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.
- D. The licensee is authorized to collect leak test samples for analysis by Troxler Electronic Laboratories, Inc., or tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
13. Sealed sources containing licensed material shall not be opened.
14. Maintenance or repair of portable devices involving removal of the sealed sources from the devices or removal or dismantling of shielding may be performed only by the device manufacturer or by other persons specifically authorized by the Commission or an Agreement State to perform such services.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License number

35-18351-01

Docket or Reference number

030-14903

Amendment No. 04

CORRECTED COPY

- 15. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 2 years from the date of each inventory.
- 16. The licensee may transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
- 17. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
- 18. The licensee shall maintain records of information important to safe and effective decommissioning at 1716 East 7th Street, Tulsa, Oklahoma, per the provision of 10 CFR 30.35(g) until this license is terminated by the Commission.
- 19. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
 - A. Application dated November 8, 1978 ✓
 - B. Letter dated December 2, 1983 ✓
 - C. Letter dated April 4, 1984 ✓
 - D. Letter dated January 20, 1988 ✓
 - E. Application dated March 31, 1989 ✓
 - F. Letter dated July 13, 1989 ✓

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date 11 21 1990

By *B. Michael Thomas*
Nuclear Materials Licensing Section
Region IV
Arlington, Texas 76011