

JUL 19 1991

In Reply Refer To:  
CAL 91-01

Northern Improvement Company  
ATTN: Jack Kolberg  
Radiation Safety Officer  
P.O. Box 1254  
Bismarck, North Dakota 58502

Gentlemen:

SUBJECT: CONFIRMATION OF ACTION LETTER

The purpose of this letter is to confirm the commitments made during the telephone discussion between Mr. Jack Kolberg of your staff and Messrs. William L. Fisher and Selvan Rajendran of my staff on July 18, 1991.

During this discussion, Mr. Jack Kolberg agreed that Northern Improvement Company would cease all operation using the Troxler 3241-C nuclear asphalt content gauge at locations under NRC jurisdiction. Mr. Kolberg also stated that the gauge would be locked up until he receives an NRC license or transfers the gauge to an authorized recipient in Oklahoma.

Northern Improvement Company, licensed by the state of North Dakota to perform moisture and density tests with byproduct material at temporary job sites, has previously filed reports with NRC during 1991 in regard to such activities 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, which includes use and storage. From the discussions with Mr. Kolberg on July 18, 1991, we understand that Northern Improvement Company has conducted reciprocity activities in Oklahoma in excess of 180 days during calendar year 1991. Therefore, no further reciprocity activities are authorized by NRC under the provisions of Part 150 during calendar year 1991.

Operations utilizing byproduct material in Oklahoma during the remainder of 1991 will be authorized only by a specific license issued by this office. We are in receipt of the application for license filed by Northern Improvement Company on June 26, 1991, and will notify you of the results of our review at a later date.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

AI 91-271

RIV:NMLS:RR  
SRajendran:cd  
7/19/91

C:NMLS:WLF  
WLFisher  
7/19/91

D:DRSS  
ABBeach  
7/19/91

EO  
GFSanborn  
7/19/91

RA  
RDMartin  
7/19/91

9107260035 910719  
PDR STPRG ESGND  
PDR

IE-07

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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 Northern Improvement Company; nor does it preclude NRC from taking other enforcement action for the violation of NRC requirements that has prompted the issuance of this letter. If your understanding differs from that set forth above, please call Mr. William L. Fisher at (817) 860-8215 immediately.

Sincerely,

Original Signed By

Robert D. Martin  
Regional Administrator

cc:  
NRC Public Document Room  
North Dakota Radiation Control Program Director

cc:

DMB - IE-07

J. M. Taylor, DEDR

J. L. Lieberman, D/OE

L. J. Chandler, Asst. GC/OGC

H. L. Thompson, DEDS

R. M. Bernero, D/NMSS

J. E. Glenn, AC/MACUS

B. Summers, OE

R. D. Martin, RA

A. B. Beach, D/DRSS

L. Yandell

W. L. Fisher

S. Rajendran

C. I. Cain

R. J. Doda

G. F. Sanborn

J. Carson, RA Sect'y

RIV Files

NMSIS File

NMSIS and NMLS Inspectors (14)