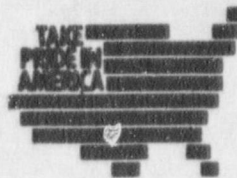


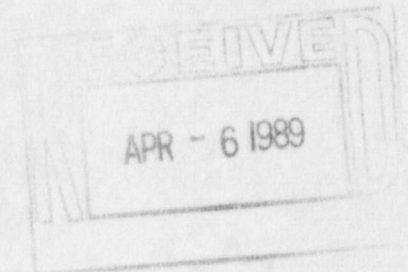


United States Department of the Interior
FISH AND WILDLIFE SERVICE

Fish Farming Experimental Laboratory
P.O. Box 860
Stuttgart, Arkansas 72160-0860
(501)673-4483



April 3, 1989



Charles L. Cain, Chief
Nuclear Materials Licensing Section
Nuclear Regulatory Commission, R-4
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

In reply to:
License: 03-17950-01 (Expired)
Docket: 30-13709/89-01
License: 03-17950-02
Docket: 30-30992/89-01

Dear Mr. Cain:

Response is made to your letter dated March 29, 1989 concerning certain violations pertaining to possession of nuclear material and the renewal of the license.

The specific violations and my explanation of why the violations occurred and what I did to correct the violations follows:

1. 10 CFR 30.36(c) requires that no less than 30 days before the expiration date specified in a specific license, the licensee shall submit an application for renewal or notify the Commission, in writing, if the licensee decides not to renew the license.

Contrary to the above, the license renewal application for NRC Byproduct Material License 03-17950-01 was submitted on February 2, 1989, after the May 31, 1988 expiration date specified on the license.

(1) The reason for the violation if admitted.

I failed to observe that the date for renewal of the license was approaching. Part of the oversight was due to the gas chromatograph not being currently used (a waiver was in effect that exempted us from performing several tests pertaining to the radioactive source), and we do not remember nor do we have any record of any correspondence being received from NRC that the license was to expire in about 90 days from the receipt of that notice. We do not offer the latter reasons as an excuse.

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- (2) The corrective steps which have been taken and the results achieved.

Immediately after the telephone notification that our license had expired, and on the instruction from the NRC, we secured the gas chromatograph from any use or contact by any of our staff. This was done by putting the gas chromatograph into a crate and locking it up in the laboratory. We then prepared our license renewal and forwarded it to the NRC.

- (3) Corrective steps which will be taken to avoid further violations.

We have included the task of license renewal on our "tickler" list of reports to complete and when, and even a note on the machine to renew the license by a certain date. The sending of the 90-day renewal notice from NRC to us would also be helpful.

- (4) Date when full compliance will be achieved.

Full compliance has already been achieved as stated in a letter from NRC dated 2-13-89 that included our NRC materials license.

2. 10 CFR 30.3 requires that no person possess or use byproduct material except as authorized by a specific or general license issued pursuant to Title 10, Chapter 1, Code of Federal Regulations.

Contrary to the above, on March 1, 1989, the NRC inspectors determined that the licensee had possessed a nickel-63 Hewlett-Packard Model 18803-60520 detector cell during the period May 31, 1988 through February 13, 1989 without a valid license.

- (1) The reasons for the violation if admitted.

We admit that we possessed the byproduct material without a valid license from 5-31-88 through 2-13-89. We did not realize that the license had expired, and, therefore, were under the assumption that we were in compliance. As stated above, and not offered as an excuse, we have no record as having received notification that the license would expire.

- (2) The corrective steps which have been taken and the results achieved.

Immediately upon telephone notification that the license had expired, we secured the gas chromatograph and locked it in the laboratory. We then immediately applied for a new license. A new license was issued by NRC as stated in a letter to us dated 2-13-89.

- (3) Corrective steps which have been taken to avoid further violations.

We have placed this task in a "tickler" system to remind us, and have included a note on the machine reminding us to renew the license 90 days before 2-28-94.

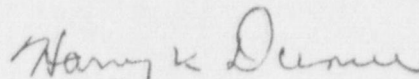
- (4) Date when full compliance was achieved.

Full compliance was achieved when the new license was received. Details of the renewal was stated in the NRC letter to us dated 2-13-89.

Should you have other questions, or need other answers, please contact us.

We apologize for the inconvenience that the oversight to renew the license has caused.

Sincerely,



Harry K. Dupree
Laboratory Director

HKD:mc