



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 1, 2007

Docket No. 03022076

License No. 37-09813-03

Clarence L. Meadows
Plant Manager / Radiation Safety Officer
Lehigh Cement Company
Hokes Mill Road and Lemon Street
York, PA 17404

SUBJECT: INSPECTION 03022076/2007001, LEHIGH CEMENT COMPANY, YORK,
PENNSYLVANIA SITE AND NOTICE OF VIOLATION

Dear Mr. Meadows:

On September 13 and 20, 2007, James Schmidt of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with you at the inspection exit.

Based on the results of this inspection, two violations of NRC requirements were identified. Specifically, these violations involved not conducting an annual review of the radiation protection program and not establishing emergency and operating procedures for use of your fixed nuclear gauges. A Notice of Violation is enclosed that describes each violation in detail. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; Organization and Functions; Office of Enforcement; About Enforcement**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

C. Meadows
Lehigh Cement Company

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Please contact James Schmidt at 610-337-5276 if you have any questions regarding this matter.

Sincerely,

Original signed by Raymond K. Lorson

Raymond K. Lorson, Chief
Decommissioning Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Commonwealth of Pennsylvania

C. Meadows
Lehigh Cement Company

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Enclosure:
Notice of Violation

cc:
Commonwealth of Pennsylvania

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DATE	10/01/07		10/01/07				

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NOTICE OF VIOLATION

Lehigh Cement Company
York, PA

Docket No. 03022076
License No. 37-09813-03

During an NRC inspection conducted on September 13, 2007, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(c) requires that each licensee periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, the licensee did not at least annually conduct a review of the radiation protection program content and implementation. Specifically, the licensee did not conduct this required review since the last NRC inspection conducted in January 2003.

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

- B. Condition 25 of License No. 37-09813-03 requires that licensed material be possessed and used in accordance with the statements, representation and procedures contained in a licensee letter dated March 6, 2002.

Item 10 of Appendix B to the letter of March 6, 2002, states that operating and emergency procedures that meet the criteria of NUREG-1556, Volume 4, will be developed, implemented, maintained and distributed.

Contrary to the above, the licensee did not develop emergency and operating procedures that met the criteria of NUREG-1556, Volume 4. Specifically, during an inspection conducted on September 13, 2007, it was identified that the licensee did not generate any emergency or operating procedures to meet this requirement.

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

Pursuant to the provisions of 10 CFR 2.201, Lehigh Cement Company 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 I, 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to 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.

Notice of Violation
Lehigh Cement Company

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If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 1st day of October 2007