

APPENDIX
NOTICE OF VIOLATION

Empire Construction & Materials, Inc.
Jenks, Oklahoma 74037

Docket: 030-31312
License: 35-27002-01

During an NRC inspection conducted on February 1, 1994, 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, the violations are listed below:

- A. License Condition 11 specifies that the Radiation Safety Officer for this licensee is Ronald D. Brown.

Contrary to the above, at the time of the inspection, this individual had discontinued his responsibilities for the supervision of licensed activities and was not the licensee's Radiation Safety Officer.

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

- B. License Condition 13.A.(1) requires, in part, that the licensee test its sealed sources for leakage and/or contamination at intervals not to exceed 6 months.

Contrary to the above, the licensee had not tested any of its sealed sources (one 100-millicurie americium-241 source, one 40-millicurie americium-241 source, and one 8-millicurie cesium-137 source) for leakage between April 4, 1990 and February 1, 1994, an interval in excess of 6 months.

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

- C. License Condition 16 requires that the licensee 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.

Contrary to the above, as of February 1, 1994, the licensee had not retained any records of physical inventories of its sealed sources and/or devices.

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

- D. License Condition 20 requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the licensee's application dated September 8, 1989.

Item 10, Section 1.A.4., of the application specifies, in part, that the Radiation Safety Officer shall maintain records of personnel exposures.

Contrary to the above, the licensee had not retained personnel exposure records for individuals monitored between March 1990 and June 1993.

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

- E. CFR 19.11(a) and (b) require, in part, that the licensee post current copies of Part 19, Part 20, the license, license conditions, documents incorporated into the license, license amendments and operating procedures or that the licensee post a notice describing these documents and where they may be examined.

Contrary to the above, on February 1, 1994, the licensee did not post any of the required documents or notices.

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

Pursuant to the provisions of 10 CFR 2.201, Empire Construction & Materials, 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, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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 or a Demand for Information 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.

Dated at Arlington, Texas
this 18th day of February 1994