



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

APR 1 1994

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

Empire Construction & Materials, Inc.  
ATTN: Gene B. Harris, President  
P.O. Box 440  
Jenks, Oklahoma 74037

SUBJECT: NRC INSPECTION REPORT 030-31312/94-01 (NOTICE OF VIOLATION)

Thank you for your letters of February 22 and March 14, 1994, in response to our letter and the attached Notice of Violation dated February 18, 1994. We have reviewed your replies and have provided a brief summary of our comments below.

Violations A, B, C, and E

The information provided in your response appears adequate to address our concerns. No further response is required at this time.

Violation D

We note that you have enclosed copies of personnel dosimetry records which were located following the date of NRC's inspection. These records include personnel exposure data for the following monitoring periods: 3rd quarter 1990, 4th quarter 1992, and all four quarters of calendar year 1993. As indicated in the Notice of Violation, the inspection disclosed that records were missing for the monitoring period of March 1990 through June 1993. Therefore, it appears that some of these records have not been located and accordingly, this violation has not been rescinded. However, no further response is required at this time.

Management Oversight of Licensed Activities

Your letter dated March 14, 1994, states that the reason for each violation is because your Radiation Safety Officer (RSO) failed to comply with the Commission's rules and regulations and the conditions of your license. Nonetheless, although the licensee may delegate much of the daily oversight activities to its' RSO, NRC ultimately holds licensee management responsible for maintaining compliance. However, no further response is required at this time.

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We will review the implementation of your corrective actions during a future inspection to determine that full compliance has been achieved and will be maintained.

Sincerely,

*Charles L. Cain*

Charles L. Cain, Chief  
Nuclear Materials Inspection Branch

cc:  
Oklahoma Radiation Control Program Director

Empire Construction &  
Materials, Inc.

-3-

bcc:  
DMB - Original (IE-07)  
LJCallan  
SJ Collins  
RAScarano, DRSS/RIV  
LWCamper  
MMessier, OC/LFDCB (4503)  
WLFisher  
CLCain  
MRShaffer  
NMIB  
MIS System  
RIV Files (2)

RIV:NMIB <i>not</i>	C:NMIB <i>me</i>			
MRShaffer:nh	CLCain			
4/1/94	4/1/94			

Empire Construction &  
Materials, Inc.

-3-

bcc:  
DMB - Original (IE-07)  
LJCallan  
SJ Collins  
RAScarano, DRSS/RIV  
LWCamper  
MMessier, OC/LFDCB (4503)  
WLFisher  
CLCain  
MRShaffer  
NMIB  
MIS System  
RIV Files (2)

RIV:NMIB <i>ms</i>	C:NMIB <i>me</i>			
MRShaffer:nh	CLCain			
4/1/94	4/1/94			