

NOTICE OF VIOLATION

Superior Asphalt Company, Inc.  
Kansas City, Missouri

License No. 24-26162-01  
Docket No. 030-31561

During an NRC inspection conducted on January 19, 1995, 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:

1. 10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plants or deliver licensed material to a carrier for transport comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Part 170-189.

49 CFR 172.604(a) states in part that a person who offers a hazardous material for transportation must provide a 24-hour emergency response telephone number for use in the event of an emergency involving the hazardous material and entered on a shipping paper.

Contrary to the above, the shipping paper utilized with transporting the Troxler Model 4640B did not provide an emergency response telephone number as required.

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

2. License Condition 12. of License No. 24-26162-01 specifies the Radiation Protection Officer for the activities authorized by the license is Joseph L. McLaughlin.

Contrary to the above, the Radiation Protection Officer had terminated his employment during 1994 and was no longer associated with the licensee and the license had not been amended to reflect a new Radiation Protection Officer.

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

Pursuant to the provisions of 10 CFR 2.201, Superior Asphalt Company, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois, 60532-4351, 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

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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.

Dated at Lisle, Illinois  
this 8<sup>th</sup> day of February 1995