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July 1, 2021

United States  
Nuclear Regulatory Commission  
Region I  
2100 Renaissance Blvd.  
King of Prussia, PA. 19406-2713

Dear Mr. Welling:

We are receipt of your letter dated June 30, 2021, notifying Empire Paving, Inc. of Apparent Violations, (AV) NRC Inspection Number 030388332021001. This letter shall serve as a response to the AV in writing before the NRC makes its final enforcement decision.

- 1) Mr. Chris Monroe on or about July 18, 2019, left his employment at Empire Paving, Inc. Before his departure, he willingly trained his replacement, Ryan Hannon, on the full responsibilities and duties of the RSO under License Number 06-35237-01. However, he failed to notify the Management Staff that the NRC License Condition 12 was never amended to authorize Ryan Hannon as the RSO. (Once Empire was made aware of this error in the license the proper paperwork submitted to NRC and Ryan Hannon is now listed as the RSO) This communication failure encompassed many tasks that Mr. Monroe verbally stated were complete and in reality, were never done. As a result, corporate policies have been revised to establish that all communication regarding licensing with all government agencies must be memorialized in writing. Also, if a key employee leaves their employment. All essential responsibilities must be reviewed with the Executive Management Staff. In the future, the annual renewal for the NRC License must be also reviewed by Ryan Hannon, RSO/Quality Control, Steven Francois Executive Superintendent, and Brian Festa, General Manager. Hannon has been fully educated ensuring that NRC License is amended should he leave his employment.

All corrective actions have been taken to comply with Condition 12 as of the date of this letter.

- 2) The U.S. Nuclear Regulatory Commission issued a license to Empire Paving, Inc. 30 Bernhard Road, North Haven, CT. 06473. When issued, the license location which

confined possession and use of the byproduct material was listed as 130 Scott Road, Waterbury, CT. During Ryan Hannon's training as the RSO and Mr. Monroe's departure from this position, the location of Stratford, Connecticut should have been amended. All future location submissions to the NRC will now be overseen by both Ryan Hannon and Brian Festa to ensure that the licensed location is current and accurate. In compliance with 10 CFR 30.34 (c) Empire Paving, Inc. employees licensed by the Commission under the regulations in this part and parts 31 through 36 and 39 shall confine the possession and use of the byproduct material to the locations and purposes authorized in the license.

The "Authorized Location" has been corrected in compliance with 10 CFR 30.34 (c).

- 3) In compliance with 10 CFR 20.1101 (c) Empire Paving's RSO, Ryan Hannon did review the Radiation Protection Program to ensure that the use, of the gauges, resulted in radiation doses for both employees and the public was kept as low as is reasonably achievable.
- 4) In compliance with condition 14 of License number 06-35237-01, the identification of this deficiency is acknowledged on behalf of Empire Paving, Inc. Based on this evaluation, a corrective program has been established to have the gauges tested by a third-party contractor to ensure that sealed sources are not leaking and/or are not a source of contamination.
- 5) In compliance with condition 15 of License number 06-35237-01, Ryan Hannon, RSO did conduct physical inventories of the devices listed. However, due to the Covid-19 pandemic, this inventory was not kept up to date. Connecticut Governmental Restrictions regarding the pandemic have been lifted a physical inventory will be completed every six months.

Empire Paving, Inc. acknowledges the significance of the Apparent Violations in NRC Inspection Report 03038833/2021001 and will not tolerate any careless disregard or deliberate violations for these or any NRC regulations. Empire Paving is committed to instituting lasting and effective corrective actions.

Sincerely,

Empire Paving, Inc.



Brian J. Festa  
General Manager