



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

January 31, 2023

EA-22-092

Jeffrey Jenkins, Corporate Safety
and Health Officer
A & M Engineering and Environmental Services, Inc.
10010 East 16th Street
Tulsa, OK 74128

SUBJECT: A & M ENGINEERING AND ENVIRONMENTAL SERVICES, INC - NOTICE OF VIOLATION, NRC INSPECTION REPORT 150-00035/2022-001

Dear Jeffrey Jenkins:

This letter refers to the in-office review conducted from June 7 to September 16, 2022. The purpose of the review was to evaluate your request dated May 18, 2022, for the U.S. Nuclear Regulatory Commission (NRC) approval to perform licensed activities in a non-agreement state for calendar year 2022. A final exit briefing was conducted telephonically with you on November 9, 2022. Details of the inspection and one apparent violation were provided to you in the subject inspection report dated November 17, 2022, Agencywide Documents Access and Management System (ADAMS) Accession No. ML22320A534.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation by either attending a predecisional enforcement conference or providing a written response before we made our final enforcement decision. In a letter dated December 2, 2022 (ML22346A266), you provided a written response to the apparent violation.

Based on the information developed during in-office review and the information that you provided in your response to the inspection report dated November 17, 2022, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved the failure to file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of the agreement state specific license, and the appropriate fee at least 3 days prior to engaging in licensed activities in a non-agreement state for calendar year 2022.

The NRC considers the violation above to be a significant violation because the failure to file a submittal containing an NRC Form 241 and performing licensed activities in a non-agreement state prevents the NRC from inspecting these areas and ensuring that licensed material is being used safely and in accordance with NRC requirements. Therefore, the violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The NRC Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$8,750 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. The NRC has determined that *Corrective Action* credit is warranted based on the prompt and comprehensive corrective actions you implemented. Your corrective actions to address the violation are documented in NRC Inspection Report 150-00035/2022-001 and in your letter dated December 2, 2022.

Therefore, to encourage prompt and comprehensive correction of violations and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report 150-00035/2022-001 and in your letter dated December 2, 2022. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, the enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

If you have any questions concerning this matter, please contact Neil O'Keefe of my staff, at 817-200-1455.

Sincerely,



Signed by Monninger, John
on 01/31/23

John D. Monninger
Deputy Regional Administrator

Docket No. 150-00035
License No. General License
pursuant to 10 CFR 150.20

Enclosure:
Notice of Violation

J. Jenkins

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cc w/Enclosure:
Michael Broderick
Environmental Program Manager II
Oklahoma Environmental Agency

A & M ENGINEERING AND ENVIRONMENTAL SERVICES, INC - NOTICE OF VIOLATION,
 NRC INSPECTION REPORT 150-00035/2022-001 – DATED JANUARY 31, 2023

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ADAMS: **ML23026A234**

SUNSI Review By: JGK		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword:
OFFICE	SES:ACES	C:MLB	TL:ACES	RC	D:DRSS	DRA
NAME	JKramer	NO'Keefe	JGroom	DCylkowski	MMuessle	JMonninger
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
DATE	01/19/23	1/19/2023	01/23/23	01/24/23	01/26/2023	01/31/2023

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

A & M Engineering and Environmental Services, Inc
Tulsa, Oklahoma

Docket No. 150-00035
License No. General License
EA-22-092

During an in-office review conducted June 7 to September 16, 2022, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 150.20(a)(1) requires, in part, that any person who holds a specific license from an agreement state is granted a general NRC license to conduct the same activity in non-agreement states subject to the provisions of 10 CFR 150.20(b).

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in non-agreement states shall, at least 3 days before engaging in each activity for the first time in a calendar year, file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States", a copy of its agreement state specific license, and the appropriate fee with the Regional Administrator of the appropriate NRC regional office.

Contrary to the above, from January 31 to May 18, 2022, A & M Engineering and Environmental Services, Inc., a licensee of the State of Oklahoma, engaged in activities in a non-agreement state without filing a submittal containing an NRC Form 241, a copy of its agreement state specific license, and the appropriate fee with the Regional Administrator of the NRC Regional Office at least 3 days before engaging in each activity for the first time in a calendar year. Specifically, A & M Engineering and Environmental Services, Inc., performed work with a portable gauge in two locations in Missouri, a non-agreement state, and began storing material in the same non-agreement state on January 31, 2022, but did not submit an NRC Form 241, a copy of its agreement state radioactive materials license, and the appropriate fee until May 18, 2022. Since the material was stored in a non-agreement state beginning on January 31, 2022, the licensee was required to provide this information to the NRC by January 28, 2022.

This is a Severity Level III violation (NRC Enforcement Policy Section 6.9.c.2(c)).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report 150-00035/2022-001 and in your letter dated December 2, 2022.

However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; EA-22-092," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, and email it to R4Enforcement@nrc.gov.

Enclosure

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Dated this 31st day of January 2023