

ENCLOSURE
NOTICE OF VIOLATION

Simon Contractors
Cheyenne, Wyoming 82003

Docket No. 030-32872
License No. 49-27443-01

During the NRC's review of the licensee's submittals dated July 31 and August 16, 1996, which notified the NRC of the change of ownership of License No. 49-27443-01, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.34(b) states, in part, that no license issued or granted pursuant to the regulations in this part and Parts 31 through 36, and 39, nor any right under a license shall be transferred, assigned or in any manner disposed of either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Atomic Energy Act of 1954, as amended, and shall give its consent in writing.

Contrary to the above, effective January 1, 1995, a direct transfer of License No. 49-27443-01 occurred. This direct transfer consisted of complete control of all the former owner's assets including the nuclear density gauge and its associated permit. This direct license transfer was made without first providing NRC an opportunity to determine whether the transfer was in accordance with the provisions of the Act and to consent in writing to the transfer.

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

As described in the letter transmitting this Notice, no response is required at this time.

Dated at Arlington, Texas
this 3rd day of October 1996