



MAYER BROTHERS CONSTRUCTION CO.

1902 CHERRY STREET
ERIE, PENNSYLVANIA 16502

John H. Laver, III - President
Richard T. Weschler, Jr. - Vice President
Deborah A. Snyder - Asst. Secretary

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Asphalt Plant (814) 454-8807

November 3, 2005

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

RE: Investigation Report No. 1-2004-047

To Regional Administration, Region 1

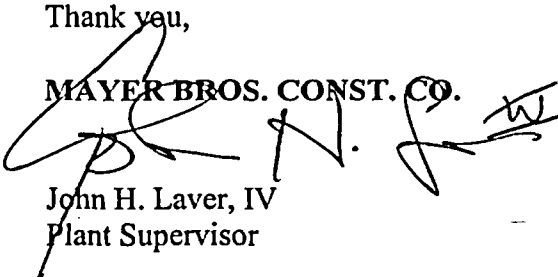
The attached letter serves as a response to a notice of violation, Docket #03019398, EA #05-162, for the above referenced investigation report number.

I am addressing the violations in sequence, giving my response for each violation and how they will be avoided in the future.

Please feel free to contact me at my office if you should have any questions.

Thank you,

MAYER BROS. CONST. CO.


John H. Laver, IV
Plant Supervisor

/lw

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Response to a Notice of Violation

Docket # 03019398 EA # 05-162

Reference investigation report no. 1-2004-047

To: Regional administration, region 1.

The four violations will be discussed in sequence. The first violation involves the failure to provide accurate information to the NRC during a safety inspection on September 29, 2004. As noted in the investigation results, RSO Philip Whittingham did correct the inaccurate information before inspector Richard Ladun concluded his inspection. We feel that this was an isolated incident and that Mr. Whittingham has been instructed to remain truthful in all future NRC matters.

The second violation was the possession of a gauge not authorized by our license. To correct this, October 8, 2004, an application for an amendment to our materials license was sent to the Region 1 division of the NRC. This amendment requested our authorized usage be changed to include all Troxler 3400 series models. This enables us to expand our license to possess the Troxler 3440, gauge in question. On October 25, 2004 the amendment was granted avoiding future violations by expanding the list of gauges approved for use.

The third violation was a failure to conduct an annual review of our radiation protection program. The radiation safety officer and one other individual were the only two users of the gauge. The two users did have discussions about the safe usage of the gauge although a documented review was not done. A review was undertaken on October 4, 2004 and so documented. During this meeting an updated filing system was established for information relating to our NRC license. An annual review for 2005 was done on October 3rd of this year. The RSO is scheduled for a radiation safety update this winter.

The fourth violation was the failure to have access to a radiation survey meter. Our response in October, 2004 was to purchase a survey meter which is on the premises allowing immediate access. Furthermore we failed to exchange badges in a timely manner. Subsequent exchanges have been within our quarterly parameter. To avoid future violations we have established, with Landaver Inc., a bi-monthly exchange beginning in January, 2006.