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United States Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555

REPLY TO A NOTICE OF VIOLATION

A. Response to Condition 10 of License 1326181-01:

- 1.) Reason for violation, or, if contested, the basis for disputing the violation-

-Niblock built a new office on the same property at 806 Maple Street. The 1996 License showed the new location of the nuclear gauges, but no formal amendment to the license agreement was made. The new office is on the same 806 lot. For mailing purposes this new office was given 906 Maple Street address.

- 2.) The corrective steps that have been taken and the results achieved-

-A formal amendment was made to our license agreement for the relocation of the gauges to 906 Maple Street.

- 3.) The corrective steps that will be taken to avoid further violations-

-The new radiation safety officer, along with Niblock management, reviewed the NRC License Agreement. This review was conducted so management would understand when amendments need to be made to the license agreement.

- 4.) The date when full compliance will be achieved:

-When NRC License Department approves of changes to license. Sent in August 26, 1996.

IE0710

B. Response to condition 11.A of License 13-26181-01:

- 1.) Reason for violation, or, if contested, the basis for disputing the violation-

-This violation was miscommunication between the prior radiation safety officer and the Goshen Employee's.

- 2.) The corrective steps that have been taken and the results achieved-

-Niblock's new radiation safety officer has set up a training session for four Goshen Employee's. These four employee's have been trained under Niblock's Radiation Safety Program and are the only people permitted to use the nuclear gauge.

- 3.) The corrective steps that will be taken to avoid further violations-

-Again, the license agreement was reviewed with Niblock Management. In the event the present radiation safety officer would leave, management understands who can and who can't operate the nuclear gauges.

- 4.) The date when full compliance will be achieved-

-August 27, 1996

C. Response to Condition 12 of License 13-26181-01:

- 1.) The reason for violation, or, if contested, the basis for disputing the violation-

-One gauge had been up to date on leak testing. The other gauge had been in storage. When the second gauge was removed from storage, there was no leak test performed. Again, this was a misunderstanding of the license agreement.

- 2.) The corrective steps that have been taken and the results achieved-

-Both gauges were immediately leak tested. The results were negative for leaking in both gauges.

- 3.) The corrective steps that will be taken to avoid further violations-

-Once again, the radiation safety officer, along with Niblock Management have reviewed the license agreement. The file set up for leak testing of the gauges has the two dates for testing printed directly on the file.

- 4.) The date when full compliance will be achieved-

-July 23, 1996

D. Response to Condition 15 of License 13-26181-01:

- 1.) Reason for violation. or, if contested, the basis for disputing the violation-

-The gauges did have physical inventories conducted beyond January of 1995. The physical inventories were not documented. This violation is simply a record keeping violation. The previous radiation safety officer conducted the inventories and simply did not document this action.

- 2.) The corrective steps that have been taken and results achieved-

-Another physical inventory was conducted on both gauges and was documented.

- 3.) The corrective steps that will be taken to avoid further violations-

-Again, Niblock Management was updated on the license agreement. The present radiation safety officer has developed a file for the physical inventories, much like the leak test file. Including the dates the physical inventories must be conducted.

- 4.) The date when full compliance will be achieved-

-July 19, 1996.

E. Response to 10 CFR 71.5 and 49 CFR 177.317(a):

- 1.) Reason for violation, or, if contested, the basis for disputing the violation-

-In speaking with the Troxler Radiation Safety Department, Niblock did have a packet with the correct shipping papers. At the time of the NRC Inspection, these shipping papers were not with the gauge.

2.) The corrective steps that have been taken and results achieved-

-After the NRC Inspection, new transportation packages were put together for both gauges. When the gauges are signed out in the log book, the shipping papers are released with the respective gauge.

3.) The corrective steps that will be taken to avoid further violations-

-Niblock Management, along with the trained gauge operators, have reviewed all transportation rules. Also, copies of all transportation documents and regulations are included in the nuclear gauge files.

4.) The date when full compliance will be achieved-

-August 14, 1996.

Respectfully Submitted,

NIBLOCK EXCAVATING, INC.



Kevin Crouch  
Radiation Safety Officer

cc: NRC Region III  
Gary Niblock  
File