

September 23, 1996

EA 96-298

Gary Niblock, President
Niblock Excavating, Inc.
906 Maple Street
Box 211
Bristol, IN 46507

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE SUMMARY

Dear Mr. Niblock:

On September 17, 1996, a predecisional enforcement conference was held by telephone with representatives of Niblock Excavating, Inc., Bristol, Indiana and NRC personnel to discuss the apparent violations identified in NRC Inspection Report No. 030-31686/96001(DNMS).

The licensee generally agreed with the five apparent violations described in the inspection report and discussed their causes and corrective actions. The licensee indicated that the root cause of these apparent violations was that management was not familiar with the license requirements and failed to recognize that the (previous) Radiation Protection Officer (RPO) was too busy or otherwise unable to adequately administer the program. As corrective action, licensee management reviewed all documents, policies and procedures associated with the NRC license and appointed, by license amendment, a new RPO to administer the program. The licensee also indicated that it has designated specific individuals as authorized users and on August 27, 1996, provided extensive training and instruction to these individuals. In addition, the RPO has established an audit program to assure that the device operators use and transport the gauges in accordance with NRC requirements. The RPO has instituted methods to assure that source inventories and leak tests are performed in a timely manner. All sources were tested for leakage following the onsite inspection and the results, submitted with licensee letter dated August 12, 1996, were well within NRC limits.

The NRC expressed concern that the conference was being held by telephone instead of at the Region III office as scheduled. The licensee indicated that because City of Goshen representatives could not attend the scheduled conference, it had erroneously assumed that the conference was postponed.

The attendance list is enclosed with this summary.

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G. Niblock

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this summary and its enclosure will be placed in the NRC Public Document Room.

Sincerely,

Original signed by Cynthia D. Pederson

Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

License No. 13-26181-01
Docket No. 030-31686

Enclosure: Attendance List

bcc w/encl: Office of Enforcement
J. Goldberg, OGC
D. Cool, NMSS
C. Weil, EICS
PUBLIC IE07

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NAME	TSimmons:dp	3Holt	BBurgess	CPederson
DATE	09/20/96	09/20/96	09/20/96	09/20/96

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ENCLOSURE

Telephone Conference Attendees

Licensee

Gary Niblock, President

Kevin Crouch, Radiation Safety Officer

Nuclear Regulatory Commission

Cynthia Pederson, Director, Division of Nuclear Materials Safety, RIII

Bruce Burgess, Enforcement Officer, RIII

Bruce Berson, Regional Counsel, RIII

B. J. Holt, Chief, Nuclear Materials Inspection Branch 1, RIII

John Madera, Chief, Nuclear Materials Licensing Branch, RIII

Toye Simmons, Radiation Specialist, RIII

Dennis Serig, Operations Branch, NMSS, NRC Headquarters, Washington D. C.