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February 7, 1997

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

SUBJECT: NRC INSPECTION AND NOTICE OF VIOLATION

Dear Mr. Niblock:

This refers to the inspection conducted on January 13, 1997 (with continued NRC in-office review through January 30, 1997) at Niblock Excavating, Inc., Bristol, Indiana. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. At the conclusion of the inspection, the findings were discussed with members of your staff.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, independent measurements and observation of activities in progress.

Based on the results of this inspection, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). A written response is required.

In addition to the violation, we are concerned that your Radiation Safety Officer designated an individual as an authorized user, and the individual had not successfully completed the device manufacturer's training program for gauge users as required by Condition 11. of your NRC license. It was fortuitous that the individual had not used a nuclear gauge. If he had, a violation of License Condition 11. would have occurred. Please address this concern by providing a description of the actions you have taken or planned to ensure that individuals who have been designated by your RSO as authorized users have completed the device manufacturer's training program for gauge users.

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, the enclosure, and your response to this letter will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Sincerely,

Original Signed by Roy J. Caniano

Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

License No. 13-26181-01

Docket No. 030-31686

Enclosure: Notice of Violation

bcc w/encl: H. Clayton
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