

ROBERTS CONSTRUCTION CO.

Box 610

LOUISA, KENTUCKY 41230

Phone (304) 648-7131

February 14, 1997

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

REPLY TO A NOTICE OF VIOLATION

Re: Reply to a Notice of Violation
NCR Report 16-24818-02/96-01

Reference is made to the NCR Predecisional Enforcement Conference of January 13, 1997, copy enclosed.

VIOLATION A: Licensed material was at a stopping point to Troxler Laboratory for recalibration. Licensed material, in the future, will not be left unattended by the user. Overnite storage while away from the designated storage area, will be in a locked area. Full compliance was achieved upon return of the licensed material from Troxler Laboratory.

VIOLATION B: Licensed material was in possession but was found to be not in use after the expiration date.

VIOLATION C: The reason for this violation was oversight. We have purchased a 2 year period leak test kit from Troxler Laboratory and have placed in force a more detail file system for prompt 6 month leak test compliance. Full compliance was immediate.

VIOLATION D: The reason for this violation was oversight. We have set up a system of files to more fully track, (leak tests, inventory, utilization logs, annual audit) as required by the NCR. Full compliance to achieve these requirements has been implemented.

Sincerely,

David H. Roberts
David H. Roberts

Pres
Title

2-15-97
Date

IF07

Sworn to and subscribed before me this 15 day of Feb, 1997

Seal of Notary
270011

Jim Zilut

County of Wayne

State of W. Va.
OFFICIAL SEAL
STATE OF WEST VIRGINIA
TIM ROBERTS
RT 1 BOX 464
PRICHARD, WV 25555
JAN 15 1997

My commission expires on the 15 day of JAN, 2002

9702270293 970214
PDR ADDCK 03031981
C PDR

NRC PREDECISIONAL ENFORCEMENT CONFERENCE

INDIVIDUAL/ROBERTS CONSTRUCTION

JANUARY 13, 1997

- A. 10 CFR 20.1801 requires the licensee to secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

On November 6, 1996, the inspector observed that your foreman failed to secure the gauge. This was pointed out to him. On November 7, 1996, you failed to secure the gauge. In both cases, the gauge was in its storage box, which was unlocked, in an unlocked tool trailer.

- B. 10 CFR 30.36 (a) states in relevant part, that a license continues in effect beyond the expiration date, with respect to possession of byproduct material, but that actions relevant to licensed material be limited to decommissioning.

After your license expired on January 31, 1996, you did not limit your use of the gauge to decommissioning activities but used it at a jobsite in War, West Virginia.

- C. License Condition 14 A of License No. 16-24818-02 requires, in part, that licensed materials be tested for leakage and/or contamination at intervals not exceeding 6 months.

You failed to test your gauge from January 14, 1992 until November 14, 1996, a period of time exceeding 6 months.

- D. License Condition 15 of License No. 16-24818-02 requires the licensee to conduct a physical inventory every 6 months of all sealed sources.

From January 14, 1992 until November 14, 1996, you failed to perform this inventory.

NOTE: The apparent violations discussed in this predecisional enforcement conference are subject to further review and are subject to change prior to any resulting enforcement decision.