



KANAWHA STONE COMPANY, INC.

ROCK BRANCH INDUSTRIAL PARK

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WV006094

September 11, 2005

US Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

License Number 47-25023-01
Inspection 03030838/2005001

Reply to a Notice of Violation

Dear Sirs;

In response to your Notice of Violation, Dated August 11, 2005:

1) Violation A, 10 CFR 20.1101(a) – The violation was issued due to the annual review not being conducted in the last 12 months. The annual inspection was performed and documented on August 26, 2005. The audit was discussed with the gauge user and management. The annual audit has been scheduled with notice of due date prior to the 12 month anniversary on the RSO calendar. If any conditions warrant a more frequent audit, an audit shall be performed when applicable.

2) Violation B - 1, 49 CFR 172.202(a) and (b) – The violation was issued due to our shipping papers displayed UN2974 instead of the correct UN3332 which was effective October 1, 2003. The day after the inspection, July 14, 2005 the new shipping papers were drafted replacing UN2974 with UN3332 and laminated. The out of compliance shipping papers were removed from the gauges and the revised copies were placed in each gauge and a copy was placed in each gauge file in the RSO file office cabinets. To prevent re-occurrence, the shipping papers shall be audited during the six month inventory, the quarterly inventory and safety inspection and the annual inspection.

3) Violation B - 2, 49 CFR 172.403 – The violation was issued due to the transport cases for a Troxler Model 3411-B and a Troxler Model 3440 portable nuclear density gauge did not have legible RADIOACTIVE YELLOW –II labels affixed to either side. The day after the audit, July 14, 2005, all the gauges were inspected for illegible RADIOACTIVE YELLOW –II labels and any illegible labels were replaced. To prevent re-occurrence, the RADIOACTIVE YELLOW –II shall be audited during the six month inventory, the quarterly inventory and safety inspection and the annual inspection. A memo has been distributed to each individual gauge user identifying this issued and instructed to report to the RSO immediately if labels become illegible or need replaces. A copy of the meeting for each gauge user has been filed in the RSO office files.

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4) Violation B – 49 CFR 172.304 - The violation was issued due to the transport cases for a Troxler Model 3411-B and a Troxler Model 3440 portable nuclear density gauge did not include the "RQ" letters associated with the proper shipping name and UN identification number indicated UN2974 rather than UN3332, as required. New labels were order from Troxler Laboratories and received August 31, 2005. All gauges were inspected for illegible, missing and incorrect labels. All Type "A" with RQ(MYLAR) labels were replaced on all gauges on September 1, 2005. To prevent re-occurrence, the Type "A" with RQ(MYLAR) shall be audited during the six month inventory, the quarterly inventory and safety inspection and the annual inspection. A memo has been distributed to each individual gauge user identifying this issued and instructed to report to the RSO immediately if labels become illegible or need replaces. A copy of the meeting for each gauge user has been filed in the RSO office files.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Scott Withrow', is written over the word 'Sincerely,' and extends across the width of the page.

Scott Withrow
Radiation Safety Officer

cc: US Nuclear Regulatory Commission
Regional Administrator, Region I