



H. C. NUTTING COMPANY

EMPLOYEE OWNED

GEOTECHNICAL, ENVIRONMENTAL AND TESTING ENGINEERS
SINCE 1921

CORPORATE CENTER
4120 AIRPORT ROAD
CINCINNATI, OHIO 45226
(513) 321-5816

February 11, 1994

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

Re: Notice of Violation
Proposed Imposition of Civil Penalty
Docket No. 03017304
License No. 34-18882-01
EA 93308

In response to Mr. John B. Martin, Region III Administrator's letter of January 19, 1994, Notice of Violation, and proposed imposition of civil penalty, we have prepared the following response.

I. Violation Assessed a Civil Penalty

Failure to maintain immediate control of nuclear gauge.

Please be advised that we do acknowledge the violation. A violation that occurred as a result of technician error. Follow-up action in 1991, consisted of a one-to-one meeting with the technician involved and general memos issued to all technicians dated June 10, 1991, and June 28, 1991, regarding the accident and related safety matters. Copies of these memos and our letter response to NRC reporting the accident are attached. As a result of the recent audit, we have established a program which will involve a written audit of the safety procedures being used by the technician on site during a supervisory visit. A copy of the audit form is enclosed. We intend to implement this audit immediately, and it should be fully in effect no later than April 1994. This audit will be a continuing part of our safety program. We believe this audit system to be pro-active and will be a continuing reminder to our technicians and ourselves of the safety precautions which must be taken when using the nuclear gauges.

Enclosed are copies of memos directed to our technician regarding maintaining control of a nuclear gauge as a result of the December 15, 1993, audit. These documents also include a sketch of the flag which we intend to attach to our nuclear meters while they are in use in the field as an additional safety measure.

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II. Violation Not Assessed a Civil Penalty

In-House Training Program - Training Program

A. Mr. Becker will be responsible for all training, and no individual who has not completed the in-house training program or the device manufacturer's training program will be permitted to use the gauge unless they are under the direct supervision and in the physical presence of individuals who have satisfied our in-house training program or the device manufacturer's program. Mr. Becker will be conducting refresher in-house training courses in accordance with our license at all of our facilities. These training sessions will be completed by the end of April 1994.

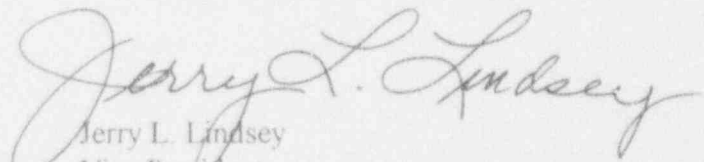
B. Training of all new employees will be performed by Mr. Becker until such time our license can be amended to permit additional training instructors. A new employee who can satisfactorily show by certificate that he has completed the device manufacturer's training program, recognized by the NRC, will be permitted to use the gauge.

Should you have any questions, please do not hesitate to contact us.

Enclosed you will find a check made payable to the Treasurer of the United States in the amount of \$250.00 to satisfy the Level III Civil Penalty imposed.

Respectfully submitted,

H. C. NUTTING COMPANY



Jerry L. Lindsey
Vice President
Field Services Manager

cc: Mr. John B. Martin, Regional Administrator
U.S. Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, Illinois 60532-4351