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**COWAN ASSOCIATES, INC.**

December 1, 2005

Attention Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Subject: Reply to Notice of Violation  
Cowan Associates, Inc.  
Docket No. 03035285  
License No. 37-30547-01

Richard S. Cowan, PE (1910-1997)  
James R. Leister, PE/PLS Retired

William D. Kee, PE  
Johann F. Szauner, PE/PLS  
Todd R. Myers, PLS  
Charles R. Tomko, PE  
Scott P. McMackin, PE

Dear Commission:

As requested, this is our written statement of explanation and corrective actions to the above-referenced Notice of Violation from the U.S. Nuclear Regulatory Commission, dated November 18, 2005. The following are responses and corrective actions to each violation:

- A. Violation: Our nuclear density gauges were not properly secured by two tangible barriers while stored in our building and during transport as required in part by 10 CFR 30.34.

Corrective Action: Our gauges are now padlocked in the cases, secured with a wire rope, padlocked to an eyebolt epoxied into the concrete floor, and locked in a concrete block vault room behind a locked steel door during storage.

During transport, the cases are padlocked and secured to the pick-up truck's bed or in the cargo compartment of the vehicle via two wire ropes which are padlocked. Both of these corrections have already been instituted as of the date of this letter.

- B. Violation (1): One of the Nuclear Density Gauge Transportable Cases did not have radioactive labels on opposite sides of the case as required by 49 CFR 172.403.

Corrective Action: The gauge case labeling has been corrected to properly have a radioactive label on opposite sides of the case as required by 49 CFR 172.403. All personnel authorized in the use of the portable gauges have been instructed to verify that proper labeling is applied prior to transporting the gauges from the storage facility, and to inform the RSO if the labels are damaged or missing.

Violation (2): One of the Nuclear Density Gauge cases did not have the correct four digit UN number preceded by the letters UN as required by 49 CFR 173.422.

Corrective Action: The Gauge case has been corrected to have the proper four digit UN identification number preceded by the letters UN (UN3332) as required by 49 CFR 173.422.

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*JED*

December 1, 2005

Violation (3): Shipping papers for one of the Nuclear Density Gauges did not indicate the proper UN identification number as required by 49 CFR 172.202(a).

Corrective Action: The shipping papers for that gauge were corrected to properly indicate the correct identification number (UN 3332) as required by 49 CFR 172.202(a).

Violation (4): One of our hazmat employees has not received Hazmat training within the required three year period as required by 49 CFR 172.704(c)(2).

Corrective Action: Hazmat training materials to do in-house training and testing have been ordered by Cowan Associates, Inc.. The training of all employees is anticipated to be completed within 30 days of this letter.

Should you have any questions regarding our actions to come into complete compliance, please do not hesitate to contact me.

Very truly yours,

COWAN ASSOCIATES, INC.



Charles R. Tomko, P.E.  
Radiation Safety Officer



William D. Kee, P.E.  
Chairman of the Board

CRT:jle

cc: Regional Administrator, Region 1

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