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DNMS

February 20, 2009

U.S. Nuclear Regulatory Commission
612 East Lamar Blvd, Suite 400
Arlington, Texas 76011-4125

Subject: Response to Apparent Violations in Inspection Report Number
030-31156/2008-001;EA-08-291

Gentlemen:

The following is in response to the Notice of Violation dated February 2, 2009. The notice of violation is in regard to three apparent violations as listed below which are a result of one incident.

Violation 1: Failure to block and brace the portable nuclear gauge within transport vehicle.

- 1 Reason for apparent violation.
The apparent violation occurred because the technician failed to follow established company policies and training received while using gauge.
- 2 Corrective steps taken and results.
RSO discussed with technician the importance of following procedures at the time of the incident and technician agreed and stated he will comply.
- 3 Corrective steps to prevent further violations.
A placard is being made to install in the cab of the transport vehicle in full view of the driver to remind technician about the security requirements of the gauge. A monthly meeting will be held to discuss issues related to safety and security of the gauges.
- 4 Date when full compliance achieved.
Full compliance to include the placard and meeting will be achieved on February 27, 2009.

Violation 2: Failure to control and maintain constant surveillance of licensed material that is in a unrestricted area and is not in storage.

- 1 Reason for apparent violation.
The apparent violation occurred because the technician failed to follow established company policies and training received while using gauge.
- 2 Corrective steps taken and results.
RSO discussed with technician the importance of following procedures at the time of the incident and technician agreed and stated he will comply.
- 3 Corrective steps to prevent further violations.
A placard is being made to install in the cab of the transport vehicle in full view of the driver to remind technician about the security requirements of the gauge. A monthly meeting will be held to discuss issues related to safety and security of the gauges.

- 4 Date when full compliance achieved.
Full compliance to include the placard and meeting will be achieved on February 27, 2009.

Violation 3: Failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

- 1 Reason for apparent violation.
The apparent violation occurred because the technician failed to follow established policies and training received while using gauge.
- 2 Corrective steps taken and results.
RSO discussed with technician the importance of following procedures at the time of the incident and technician agreed and stated he will comply.
- 3 Corrective steps to prevent further violations.
A placard is being made to install in the cab of the transport vehicle in full view of the driver to remind technician about the security requirements of the gauge. A monthly meeting will be held to discuss issues related to safety and security of the gauges.
- 4 Date when full compliance achieved.
Full compliance to include the placard and meeting will be achieved on February 27, 2009.

Because all of the apparent violations are interrelated, the same corrective action was and is being applied for all.

As the RSO for Construction Engineering Labs (CEL), I would like to take the opportunity at this time to state that all CEL technicians and users of the nuclear gauges have been trained in the security, safety and use of the equipment on an ongoing basis and that as the RSO, I take that responsibility very seriously.

If you need more information, please contact me at 808-455-1522 or cel@hawaii.rr.com.

Respectfully,
CONSTRUCTION ENGINEERING LABS, INC.



By: Ronald A. Pickering II
Its: President, RSO