

June 23, 2022

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington DC 20555-0001

ADAMS Accession# ML22188A127

Reply to a Notice of Violation; EA-22-043. Reference: Letter EA-22-043 NRC Inspection report 030-38881/2022-001; Exercise of enforcement discretion; and notice of violation.

Dear Sir or Madam:

As required by 10 CFR, this letter provides Hayre McElroy & Associates reply to Notice of Violation EA-22-043. The response, as describes in the enclosure, includes the reason for the violation, the corrective steps that have been taken and the results achieved, the corrective steps that will be taken and the date when full compliance was achieved.

Reason for Violation

The root cause of the violation was determined to be that Hayre McElroy & Associates failed to confine its possession and use of byproduct material to the purposes authorized in the license, specifically conditions 6.A through F.-9.A within the NRC license 46-35280-01.

Corrective Steps and Results Achieved

Upon notification of the non-conforming condition, immediate action was taken to provide the purchase source, the letter of transfers and the required documents to add the Instrotek, Inc 3500 Xplorer nuclear gauge to license 46-35280-01. Compiled letter of transfers, leaks tests and calibrations for the Instrotek, Inc Model 3500 Xplorer and provided to NRC representative Dr. Janine F. Katanic. Submitted the letter of amendment to our NRC License No. 46-35280-01 for the addition of the Instrotek, Inc Model 3500 Xplorer nuclear gauge on 5/5/2022 to NRC Representative Carol Hill. Since the event which let to the notice of violation the Instrotek, Inc 3500 Xplorer nuclear gauge has been not in use and properly stored and secured until the approval of the amendment.

Date When Full Compliance Will be Achieved

Full compliance with 10 CFR 30.34(c) is currently pending and will be processed within 90 days from 5/5/2022.

Please call the undersigned at 425-577-9945 if you have any questions or concerns.

Sincerely,
HAYRE MCELROY & ASSOCIATES, LLC



Gurdip S. Hayre, RSO
Principal

From: [R4Enforcement](#)
To: [Roldan-Otero, Lizette](#); [Katanic, Janine](#)
Cc: [Groom, Jeremy](#); [Kramer, John](#); [Roberts, Austin](#)
Subject: FW: Reply to a Notice of Violation EA-22-043
Date: Wednesday, June 29, 2022 4:30:38 PM
Attachments: [Reply to a Notice of Violation EA-22-043.pdf](#)

See attached.

John

From: Martin Lagazo <mlagazo@hayremcelroy.com>
Sent: Friday, June 24, 2022 5:17 PM
To: R4Enforcement <R4Enforcement.Resource@nrc.gov>
Cc: Destrey Newbrey <dnewbrey@hayremcelroy.com>
Subject: [External_Sender] Reply to a Notice of Violation EA-22-043

Good Afternoon,

Attached is Hayre Mcelroy & Associates Reply to a Notice of Violation EA-22-043.

Regards,

Martin Lagazo Jr

Hawaii Division Manager
Hayre McElroy & Associates, LLC
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Kapolei, HI 96706
cell: 808-763-6260
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mlagazo@hayremcelroy.com



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