

**From:** [Karen Flint](#)  
**To:** [Katanic, Janine](#)  
**Cc:** [Gee Hayre](#); [Martin Padilla](#)  
**Subject:** [External\_Sender] NRC Inspection/ Hayre McElroy & Associates LLC  
**Date:** Thursday, August 4, 2022 1:59:32 PM  
**Attachments:** [NRC Response Letter 20220803.pdf](#)  
**Importance:** High

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Good Morning,

I have attached the response to address the Notice of Violation. Please let us know if you need anything else.

Kind Regards,  
Karen

***Karen R. Flint***  
***Project Liaison***

Hayre McElroy & Associates, LLC  
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August 8, 2022

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

**Subject: 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:

This letter is in response to Hayre McElroy & Associates reply to Notice of Violation EA-22-043. The particulars documented in this letter explain the notice of the violation, the actual root cause analysis and the corrective steps taken to ensure necessary compliance.

**Reason for Violation**

The root cause analysis of the violation determined a lack of due diligence performed by previous office management with a failure to register and document the possession and use of byproduct material for purposes authorized under the use of the NRC license 46-35280-01.

**Corrective Action**

Upon notification of the non-conforming condition, the storage office location have taken immediate action to locate the purchase source, the transfer letters, and the required documents to register the Instrotek, Inc 3500 Xplorer nuclear gauge to license 46-35280-01. The applicable documents for the nuclear gauge have since been provided to NRC representative Dr. Janine F. Katanic. Submitted under 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 investigation and notice of violation we have taken and implemented the following actions

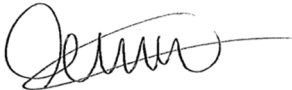
- On notification of the violation the nuclear gauge has been put out of immediate use and properly stored and safely secured until the approval of the amendment.
- Hayre McElroy & Associates Radiation Safety Officer has thoroughly reviewed the NRC license to ensure no future unauthorized material will be acquired or put in to use.
- Prior to purchase of all future nuclear gauges. Hayre McElroy & Associates will always submit a purchase order to the Radiation Safety Division for review and approval.
- Hayre McElroy & Associates advises that it has incorporated into its procedures, to only accept and act upon written approvals from the Nuclear Radiation Commission and follow the strict guidelines of the 10 CFR with reference to section 30.34(c).

**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