



**Construction
Engineering
Labs**

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☐ Other:
Reviewer: KCR Date: 9-27-19

September 19, 2019

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

Subject: Response to Notice of Violations in Inspection Report Number
030-31156/2018-001

Gentlemen:

The following is in response to the Notice of Violation dated September 5, 2019. The notice of violation is in regard to four apparent violations as listed below.

Violation A: 10 CFR 30.9(a) requires, in part, that information provided to the Commission by an applicant for a license or by a licensee shall be complete and accurate in all material respects.

- 1 Reason for violation.
The violation occurred because we moved to a different location and failed to update our license as required. This was an oversight because the application renewal happens every 10 years. Upon completing the renewal application, most of the information had not changed and the old address was used.
- 2 Corrective steps taken and results.
RSO amended the license as required to the correct storage location. NRC sent amended license with correct location on March 14, 2018.
- 3 Corrective steps to prevent further violations.
RSO will implement a checklist with NRC application amendment to be used in the event a move or location change is going to occur.
- 4 Date when full compliance achieved.
A request to change location was sent to the NRC on February 8, 2018 and full compliance was achieved on March 14, 2018.

Violation B: 10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, shall comply with the applicable requirements of the U.S. Department of Transportation regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.704(c)(2) requires, in part, that a hazmat employee must receive the training required by 49 CFR Part 172, Subpart H, at least once every 3 years.

- 1 Reason for violation.
The violation occurred due to the technician's misunderstanding of the requirements for refresher training. Oversight by the RSO when asking about training was not conveyed to mean the updated training and not the initial training.
- 2 Corrective steps taken and results.
Technician received the necessary training as required on February 7, 2018 and is now in compliance.
- 3 Corrective steps to prevent further violations.
Technician has been instructed on the length of time the training is good for before updated training is needed. RSO will keep a calendar alert program for all technician or personnel with training requirements which will be set to notify when less than 30 days are left prior to expiration of current training.
- 4 Date when full compliance achieved.
Full compliance was achieved on February 7, 2018.

Violation C: 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

- 1 Reason for violation.
The violation occurred due to the RSO having multiple duties and the annual audit got overlooked.
- 2 Corrective steps taken and results.
Previous audits have been reviewed.
- 3 Corrective steps to prevent further violations.
RSO will keep a calendar alert program which will be set to notify when less than 30 days are left prior to a new annual audit being completed.
- 4 Date when full compliance achieved.
Full compliance will be completed by October 1, 2019.

Violation D: 10 CFR 30.34(c) requires, in part, that each person licensed by the Commission pursuant to the regulations in 10 CFR Part 30 shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license.

- 1 Reason for violation.
The violation occurred because we moved to a different location and failed to update our license as required. This was an oversight because the application renewal happens every 10 years. Upon completing the renewal application the old address was used.
- 2 Corrective steps taken and results.
RSO amended the license as required to the correct storage location. NRC sent amended license with correct location on March 14, 2018.
- 3 Corrective steps to prevent further violations.
RSO will implement a checklist with NRC application amendment to be used in the event a move or location change is going to occur.
- 4 Date when full compliance achieved.

A request to change location was sent to the NRC on February 8, 2018 and full compliance was achieved on March 14, 2018.

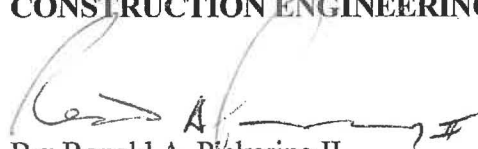
As the RSO for Construction Engineering Labs (CEL), I would like to take the opportunity at this time to state that all CEL technicians and users of the nuclear gauges have been trained in the security, safety and use of the equipment and are currently up to date. The license is up to date with regard to nuclear gauges on hand and the location they are stored.

As the RSO for Construction Engineering Labs (CEL), I understand the requirements as set forth by the NRC and the CFR's and take them very seriously.

If you need more information, please contact me at 808-455-1522 or ron@celhawaii.com

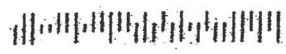
Respectfully,

CONSTRUCTION ENGINEERING LABS, INC.

A handwritten signature in black ink, appearing to read 'Ron A. Pickering II', is written over the company name.

By: Ronald A. Pickering II

Its: President, RSO

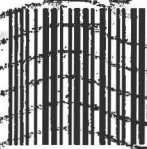


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TO: Silva, Patricia
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