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December 14, 2009

Mr. Steven A. Reynolds, Director  
Division of Nuclear Materials Safety  
Region III  
2443 Warrenville Road  
Suite 210  
Lisle, IL 60532-4352

**Re: Response to an Apparent Violation in Inspection Report No. 030-34199/2009-002(DNMS); EA-09-276**

Dear Mr. Reynolds:

Please accept this letter as our response to the above referenced violation. The referenced violation states the failure to use a minimum of two independent physical controls that form tangible barriers to secure a portable gauge whenever the gauge was not under the control and constant surveillance. The following explanation will provide the details of the controls in place to meet the Title 10 Code of Federal Regulations (CFR) Part 30.34 (i).

1. Under Title 10 Code of Federal Regulations (CFR) Part 30.34 (i) requires two independent physical controls that form tangible barriers to secure a portable gauge whenever the portable gauge was not under the control and constant surveillance of the licensee. On October 29, 2009 at the time of NRC inspection the storage closet was locked and was under constant surveillance under my presence. The storage closet with the gauge was the adjoining room to my office and was in constant surveillance. We believe these two measures meet the code requirements. Also the gauge is secured with chain attached to the brackets which is attached to the wall with stronger bracket. Somehow the bracket came out from the wall on October 26, 2009 and the safety officer could not fix it right away but was fixed on October 29, 2009 within the reasonable time as stated in the NRC Inspection Report 030-34199/2009. Now we have three controls which are gauge is secured with chain attached to the bracket which is attached to the wall, the storage closet is locked and still under constant surveillance by my presence.
2. Also we have prepared a weekly log (attached is a copy). I and the safety officer check weekly to make sure that all controls which include but not limited to the securing the gauge with the chain, locking the closet door and constant surveillance are properly in place at all times. We still plan to have constant surveillance under my presence. We have also made provisions for surveillance by additional staff members in my short absence as and when the need arises.

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This is just an additional security measure. This corrective action has already been implemented.

3. Our safety officer is aware of all the safety code requirements and has full intention to adhere and comply. We can state with confidence that we have always taken the issue of securing the gauge very seriously and have complied with all the applicable safety standards. The prior inspection conducted on June 28, 2004 proves that we have taken the safety issue seriously and no violations were identified. We hope the above explanation is satisfactory to NRC. Thanks for your consideration.

If you have any further questions please do not hesitate to call. Thanks again.

Very truly yours,

**ENGINEERING SERVICES, INC.**

By:



**Hakim Shakir, P.E.**

**Principal**

**Enclosure:**

