

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

January 7, 2010  
EN-10-002  
(EA-09-276)

Licensee: Engineering Services, Inc.  
Livonia, MI  
Docket No. 030-34199

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY-  
\$3,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of \$3,500 will be issued on or about January 12, 2010, to Engineering Services, Inc. This action is based on a Severity Level III violation of 10 CFR 30.34(i) involving the failure to use a minimum of two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal, whenever the portable gauges are not under the control and constant surveillance of the licensee. Specifically, the portable gauge was secured in its storage area with only one independent lock. This repeat violation was discovered during an inspection performed to review corrective actions taken as a result of the previous escalated enforcement action (EA-09-123) involving a violation of 10 CFR 30.34(i). As a corrective action for the initial violation, the licensee secured the gauge to the wall using a bracket, a chain and an additional lock. During the second inspection, the inspector observed the bracket detached from the wall.

Since Engineering Services, Inc., has been the subject of escalated enforcement action within the last two inspections, the staff considered whether credit was warranted for Identification and Corrective Action in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. Credit was not warranted for identification because the inspector identified the violation. However, credit was warranted for corrective actions which included, but were not limited to, re-attaching the bracket to the wall with longer fasteners and implementing a weekly check to ensure the gauge remains secured to the wall. Therefore, to emphasize the importance of control of licensed material, the NRC proposes imposition of a Civil Penalty in the base amount of \$3,500 for the Severity Level III violation.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	January 12, 2010
Telephone Notification of Licensee	January 12, 2010

The State of Michigan will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: Kerstun Day, OE, 301-415-1252      Nick Hilton, OE, 301-415-3055

Electronic Distribution: EN-10-002, January 7, 2010

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