

December 5, 2013

Mr. Patrick L. Loudon
Director, Division of Nuclear Materials
The US Nuclear Regulatory Commission
Division of Nuclear Materials Safety
2443 Warrenville Road, Lisle, IL 60532

**Re: Response to Apparent Violation in the Security Addendum to Inspection
Report No. 03037525/2013001(DNMS); EA-13-220**

Materials License # 32-32666-01

Dear Mr. Loudon:

I would like to respond to your letter dated November 1, 2013 regarding an apparent violation of NRC Enforcement Policy. This letter describes our response to this NRC finding and the corrective actions we have taken as a company to prevent recurrence of this event. **Please note we are not requesting a Predecisional Enforcement Conference (PEC).** This letter will serve as our response to the apparent violations in EA-13-220.

Description of Apparent Violations:

On September 25, 2013 InstroTek's Grand Rapids, MI office, License number 32-32666-01 was inspected by NRC. The inspector identified one apparent violation of NRC requirements to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Cause for the Violations

As indicated in the inspectors report, gauges at the Grand Rapids facility of InstroTek are stored in a storage bay surrounded by 16" thick high density concrete blocks. The walls surrounding the storage bay are approximately 5 ft. high. Entrance to the storage bay is through a chain link fence door, which is locked when gauges are not under control and constant surveillance.

When the Grand Rapids facility is not under control, we have always believed that two

independent physical controls were provided. A locked entrance door or locked garage door provides one control and the locked storage bay surrounded with concrete walls provides the second control.

We respectfully disagree that any individual can "simply" reach over a five foot high wall with 16" thick concrete blocks to remove a 40 lb. gauge. The individual will either have to climb over the wall, use a ladder, or break the lock on the storage bay door to get to a gauge. In addition the building is armed and is monitored by 24 hour ADP constant security. Our facility was inspected in August 2008 and no apparent violations were identified.

Based on the above description and understanding, we were always operating under the assumption that NRC Enforcement Policy for two independent security controls were met at our Grand Rapids facility.

As soon as we received notification of this apparent violation from the inspector, on the day of inspection and immediately after, we took the following steps:

- 1- Purchased steel cables and locked all the gauges in our inventory to benches used to hold gauges in the storage bay.
- 2- Started an ongoing conversation with the NRC inspector and others at InstroTek to provide the best and the most practical way, with ALARA in mind, to provide additional security at this facility.
- 3- It was determined that the best way to provide an additional barrier to an unauthorized individual accessing the storage bay would be to add a 6ft chain link fence on top of the existing 5ft high concrete block wall.
- 4- Fencing companies were contacted immediately and quotes were obtained for adding the fence.

Corrective Action to Prevent Recurrence

After discussions with Mr. Ryan Craffey of NRC, it was determined that the addition of the fence is an acceptable way to comply with NRC Enforcement Policy regarding the use of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal as required in Title 10 of Code of Federal Regulations (CFR) Part 30.34(i). At this point we received quotes and have now hired a fencing company to install a 6ft fence on top of the existing 5ft concrete wall.

The fence is scheduled to be completed by December 10th, 2013. The completion of the fence will ensure that this violation will not reoccur again during any of our future inspections by NRC.

We appreciate you taking our response and corrective actions into consideration. We apologize for these apparent violations and can state with absolute certainty that at InstroTek we take every

step to comply with all safety rules and regulations to protect the general public and our employees.

Please do not hesitate to contact me, if I can provide any information.

Sincerely,

INSTROTEK INCORPORATED

A handwritten signature in black ink, appearing to read 'Ali Regimand', with a large, stylized flourish extending to the right.

Ali Regimand
President