

April 3, 2006
EN 06-012

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: MISTRAS Holdings Group (EA 05-238, 06-065, and 06-066)
D/B/A: Conam Inspection and Engineering Services, Inc.
Carol Stream, IL 60188.
Docket No. 030-35114

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$19,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$19,500 will be issued on or about April 6, 2006, to MISTRAS Holdings Group. This action is based on three Severity Level (SL) III problems involving violations associated with an extremity overexposure, violations associated with radiographic operations at a field location, and violations associated with security and control of NRC-Licensed Material in Non-Agreement States. Specifically, on October 27, 2005, the licensee did not limit the annual dose to the extremity of an adult radiographer to 50 rem shallow-dose equivalent. The exposure occurred when a licensee's radiographer did not perform a survey of the radiographic exposure device and guide tube to determine that the sealed source had been returned to its shielded position after completing a radiographic exposure at a field location. The source had not returned to a shielded position, and as a result, the radiographer received greater than 50, but less than 100 rem shallow-dose equivalent to his right hand. In addition, on that day, radiography was being performed at the same temporary job site with only one qualified individual present. 10 CFR 34.41(a) requires the presence of two qualified individuals when radiography is performed. Further, on January 31, 2005, while performing an inventory, at a separate location, the licensee could not account for a radiography camera, and failed to immediately report to the NRC that licensed material was missing. The licensee found the radiography camera later that day in an unlocked company vehicle, parked in an unsecured parking lot, and the camera was not otherwise secured within the vehicle.

Since the licensee was the subject of a prior escalated enforcement action within the last two years, the NRC considered whether credit was warranted for Identification and Corrective Action for each SL III problem in accordance with the civil penalty assessment process in Section VI.C.2 of the NRC Enforcement Policy. Identification credit was not warranted since the violations were identified by the NRC. Credit was warranted for corrective action based on the licensee's extensive corrective actions. Therefore, to emphasize the importance of compliance with NRC regulations, and in recognition of a previous escalated enforcement action, the NRC proposes imposition of Civil Penalties in the base amount of \$6,500 for each SL III problem, for a cumulative civil penalty of \$19,500. The NOV also includes a SL IV violation for a failure to conduct radiation surveys.

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	April 6, 2006
Telephone Notification of Licensee	April 6, 2006

The State of Illinois 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: Sally Merchant, OE, 415-2747; Chris Nolan, OE, 415-2741

Distribution

OWFN

Chairman Diaz
Comm. McGaffigan
Comm. Merrifield
Comm. Lyons
Comm. Jaczko

SECY
OCA
PA
IP

OWFN

EDO
DEDR
DEDE
OE
OGC
NRR
NSIR
OI
SP

TWFN

OCFO
OP CENTER
NMSS
OIG
OCIO
RES
ACRS

Regional Offices

RI RII
RIII RIV

MAIL
ADAMS

ADAMS ACCESSION No.: **ML060930654**

E:\Filenet\ML060930654.wpd

OE:ES
SMerchant
04/3/06

OE:SC
CNolan
04/3/06

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**