



**Quality  
Services  
Laboratories, Inc.**

*A Member of the MISTRAS Holdings Group*

**May 10, 2006**

**US Nuclear Regulatory Commission  
Region III  
Attn: John Madera  
Fax No: 1-630-515-1259**

**Pages: 4 + cover**

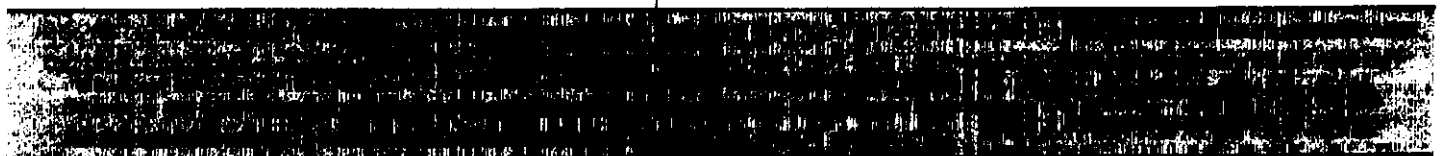
**John,**

**Attached is a copy of the correspondence that was submitted to Michael Johnson in Rockville. I also sent a copy to Region III – Office of the Regional Administrator. The check for the civil penalties (\$19,500) was sent to the License Fee and Accounts Receivable Branch in St. Louis. I am still preparing our questions regarding the clarification of the correspondence we received from Stephen Reynolds concerning the two-man rule and supervision of the assistant radiographers. I hope to have that completed by the end of the week. If you have any questions, or need additional information, please contact me at 630-260-1650 ext.166, or on my cell phone at 630-669-9257.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Scott A. Kvasnicka", written over a horizontal line.

**Scott A. Kvasnicka  
Corporate RSO**





Quality  
Services  
Laboratories, Inc.

**CONAM**  
Inspection & Engineering Services, Inc.



A Member of the MISTRAS Holdings Group

May 5, 2006

Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Attn: Mr. Michael R. Johnson

Subject: Reply to a Notice of Violation - EA-05-238; EA-06-065; and EA-06-066  
Statement as to Payment of Civil Penalties

Dear Mr. Johnson:

In reply to correspondence Docket No. 030-35114 "Notice of Violation and Proposed Imposition of Civil Penalties" included with correspondence dated April 6, 2006; MISTRAS Holdings Group offers the following:

Violation A - Violations Associated with Extremity Overexposure (EA-05-238)

1. For the violations associated with EA-05-238, MISTRAS admits to these violations.
2. (a) For violation of 10 CFR 20.1201 (a)(2)(ii), while MISTRAS contends that we, as the licensee, did everything possible to control the exposure to the individual to meet the regulatory requirements, and that it was the actions of the individual that led to his overexposure, MISTRAS takes responsibility for his actions.  
(b) For violation of 10 CFR 34.49(b), MISTRAS admits the radiographer did not perform an adequate survey when approaching the device. The radiographer was rushing to complete his assigned duties when he neglected to follow the established procedures.  
(c) For violation of 10 CFR 34.23(a), MISTRAS admits the radiographer did not return the source to the shielded position. The radiographer was rushing to complete his assigned duties when he neglected to follow the established procedures.
3. The corrective actions that were taken to prevent recurrence were addressed in NRC Inspection Report Nos. 030-35114/05-003 and 05-004.
4. Additional corrective actions that will be taken are to:
  - (a) Evaluate available radiation detection equipment designed to enhance personnel safety. Equipment currently under consideration includes: vibrating rate alarms, portable visible alarms, and survey meters with alerting features.



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- (b) Evaluate the radiation safety-training program to develop a more behavioral-based approach. Attempt to identify the cause of the improper behavior.
5. Full compliance was achieved by December 1, 2005. The additional corrective actions will be on going.

**Violation B – Violations Associated with Radiographic Operations at a Field Location (EA -06-065)**

1. For the violations associated with EA-06-065, MISTRAS admits to these violations based on the written clarification received in correspondence from Steven A. Reynolds, Director, DNMS dated April 6, 2006 regarding compliance with 10 CFR 34.41(a). MISTRAS is currently seeking additional clarification to the direction received in that correspondence for both the violation of 10 CFR 34.41(a) and 10 CFR 34.46. MISTRAS may seek to contest this violation if the response indicates that it may be warranted.
2. The reason for the violation was the apparent misinterpretation of the regulatory requirements of these two parts.
3. The corrective actions that were taken to prevent recurrence were addressed in NRC Inspection Report Nos. 030-35114/05-003 and 05-004.
4. Additionally, company policy regarding the job duties assistant radiographers are allowed to perform, and delineating the "direct supervision" requirements of 10 CFR 34.46, was changed on February 1, 2006 and modified on February 27, 2006. Currently all assistant radiographers with less than one year experience are restricted from performing the job duties involving the items outlined in 10 CFR 34.46. Modifications to the current policy may be done once the clarifications requested in Item 1 above are received. A revision to the O&E will be performed to formally incorporate the changes.
5. Full Compliance was achieved by March 15, 2006.

**Violation C – Violations Associated with Control of NRC-Licensed Material (EA-06-066)**

1. For the violations associated with EA-06-066, MISTRAS admits to these violations.
2. The investigation into the cause of the violation of 10 CFR 20.1801 and 10 CFR 20.1802 yielded inconclusive results. The apparent reason was that a radiographer failed to sign in the device either back into, or out of storage, resulting in the device being left unattended in the transport vehicle.
3. The violation of 10 CFR 20.2201(a)(1)(i) occurred because the Licensee did not believe a reportable condition existed at the time of the occurrence.





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4. The corrective actions that were taken to prevent recurrence were addressed in NRC Inspection Report Nos. 030-35114/05-003 and 05-004.
5. For the violation of 10 CFR 20.2201 (a)(1)(i), retraining was held with Radiation Safety Managers at all locations regarding the reporting requirements for NRC violations. Retraining topics included: incidents that require notification, the regulatory body to be notified, and the required period under which notification must be made.
6. Full compliance was achieved by May 18, 2005.

Violation D - Violation Associated with a Radiation Survey

1. For the violation of Condition 21.C of our NRC Materials License 12-16559-02, MISTRAS admits to this violation based on the written clarification received in correspondence from Steven A. Reynolds, Director, DNMS dated April 6, 2006 regarding compliance with the requirements of 10 CFR 20.1501 (a).
2. The Licensee believed a previously performed survey of the boundaries would satisfy the regulatory requirements.
3. A memo outlining the retraining on the regulatory requirements for the performance of proper surveys at temporary jobsites was issued on February 1, 2006. Retraining was performed with the entire radiographic staff.
4. Full compliance was achieved by March 1, 2006.

Statement as to Payment of Civil Penalties

MISTRAS Holdings Group has remitted a check (copy attached) in the amount of \$19,500 for the payment of the proposed civil penalties. Payment was submitted via US Mail to the NRC's License Fee and Accounts Receivable Branch located in St. Louis.

A copy of this correspondence is being submitted to Region III's Office of the Regional Administrator. If you have any questions, or need additional information regarding this response, please contact me at 630-260-1650 ext.166.

Sincerely,

Scott A. Kvasnicka  
Corporate RSO  
MISTRAS Holdings Group



May 10 2006 9:18AM

Conam Inspection

630-260-1640

p.5

May 04 2006 9:14AM

Conam Inspection

630-260-1640

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Pay to the order of 201350 U S NUCLEAR REGULAT Payment ID 28589 Date 05/03/2006

Invoice No	Invoice No	Invoice Date	Gross Amount	Discount Amount	Net Am
80571041	EA-05-238/06-065/06	04/08/2006	19,500.00	0.00	19.50

PAID MAY - 3 2006

Total:	19,500.00	0.00	19.50
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