



PO Box 30316 · Billings, MT 59107 · Ph: (406) 669-3229 · Fax: (406) 839-2015
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REPLY TO A NOTICE OF VIOLATION
NRC Inspection Report 030-20836/08-001
and Notice of Violation

Mattingly Testing Services, Inc.
Molt, MT

Docket No. 030-20836
License No. 25-21479-01

To
United States Nuclear Regulatory Commission – US NRC
Attn: Document Control Desk
Washington, D.C. 20555

c.c. Regional Administrator, Region IV
Office of Public Affairs, Region IV
611 Ryan Plaza Drive, Suite 400
Arlington TX 76011

1. The reason for the violation, or, if contested, the basis for disputing the violation or severity level

1.1.- According to the NOTICE OF VIOLATION, our "RSO or designee failed to conduct an inspection program that included observation of the performance of each radiographer and radiographer assistant during an actual radiographic operation at intervals not to exceed six months. Specifically, the RSO or designee failed to conduct an inspection program on the job performance of two radiographers from August 2007 through April 2008, an interval that exceeded six months. Additionally, the RSO or designee failed to conduct an inspection program of the performance of any of the radiographer assistants employed during Calendar Years 2006 through 2008."

1.2.- Concerning the failure to conduct an inspection program on the job performance of two radiographers from August 2007 through April 2008, we understand that there was a two month delay in observing the performance of two radiographers from August 2007 through April 2008.

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1.3.- The reason for the violation was a delay. We do not contest the violation and took all the necessary measures for it not to happen again.

1.4.- There was no failure to conduct an inspection program of the performance of any of the radiographer assistants employed during Calendar Years 2006 through 2008 as stated by the NOTICE OF VIOLATION. There was only failure in properly filing the radiographer assistants' performance reports in their files. Because the Assistant RSO was simultaneously observing the performance of both the radiographer and the radiographer assistant, he filled only one performance report for both which was filed only in the radiographer folder.

1.5.- The reason for the violation was that even though the radiographer and radiographer assistant performance was observed, only one report was generated and filed only in the radiographer's folder. We do not contest the violation. Immediately after the June 26, 2008 inspection conducted at our facilities, we began to generate a report for the radiographer and another report of the radiographer assistant.

2. The corrective steps that have been taken and the results achieved

2.1.- There will be no delays in the future observation of the performance of each radiographer and radiographer's assistant, because a calendar for such observation has been established.

2.2.- Immediately after the June 26, 2008 inspection conducted at our facilities, we began to generate different reports for the radiographer and the radiographer assistant and to file them in their respective folders.

3. The corrective steps that will be taken to avoid further violations

3.1.- The future observation of the performance of each radiographer and radiographer's assistant will be done according to a schedule set up to prevent delays as the one that caused the two months delay in conducting an inspection program on the job performance of two radiographers from August 2007 through April 2008.

3.2.- As a result of the observation of the performance of radiographers and radiographers' assistants, two separate reports which will be generated filed in the radiographers' as well as in the radiographer's assistant folders.



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4. The date when full compliance will be achieved

4.1.- On 7/21/2008, Ray Sierra, MTS Assistant RSO, returned to work after being submitted to heart surgery. As from this date, the observation of the performance of each radiographer and radiographer assistant is being done according to a schedule set up to prevent delays and, all the observation of the performance of radiographers and radiographer assistants are generating two separate reports which are being filed in the radiographers' as well as in the radiographer assistant folders.

We remain at the disposal of the US NRC to provide any additional information.

Dated this 6th of August, 2008

A handwritten signature in black ink, appearing to read "Mark Ficek".

Mark Ficek - President & RSO
Mattingly Testing Services, Inc.

A handwritten signature in black ink, appearing to read "Ray Sierra".

Ray Sierra - ARSO
Mattingly Testing Services, Inc.