

June 25, 2015
EN 15-021

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: MISTRAS Group, Inc.
Princeton, NJ

EA-14-225

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF
CIVIL PENALTY- \$7,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7,000 will be issued on or about June 30, 2015, to MISTRAS Group, Inc. (Mistras). This action is based on a Severity Level III problem involving two related violations. The violations included a failure to obtain an export license and a failure to submit an advance required notification of shipment to the NRC and the Canadian Government. Specifically on or about July 24, 2014, Mistras exported two iridium-192 sealed sources to Canada, without obtaining a specific export license as required by 10 CFR 110.5 and did not provide the export notifications to the NRC and the Canadian government in advance of the export of sources to Canada as required by 10 CFR 110.50(c).

On March 9, 2015, the licensee was given the opportunity to: (1) respond in writing, (2) request a pre-decisional enforcement conference, or (3) participate in an Alternative Dispute Resolution session. The licensee provided a written response. After considering the licensee's response, the NRC has concluded that the violations are appropriately characterized as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$7,000 is considered for a Severity Level III problem. Because the licensee has been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. *Identification* credit was not warranted because the violation was identified by the NRC, but *Corrective Action* credit was warranted for corrective actions taken by the licensee which included: (1) submitted and obtained the export license (export license was issued on May 26, 2015); (2) committed to revising the Radiation Safety Administrative Manual to include the proper methods of notifying the NRC and foreign governments; and (3) commit to providing training to individuals responsible for affecting the export/import process, including annual refresher training. Therefore, a base civil penalty of \$7,000 is being proposed for the Severity Level III problem.

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

Mailing of Notice
Telephone Notification of Licensee

June 30, 2015
June 30, 2015

The State of New Jersey will be notified.

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DISTRIBUTION: EN-15-021, June 25, 2015

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