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**SERVICES DIVISION**

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January 9, 2019

US Nuclear Regulatory Commission  
Region III Office  
2443 Warrenville Rd, Suite 210  
Lisle, Illinois 60532

Re: Response to the Apparent Violations in Inspection Report No. 03035114/2018002(DNMS); EA-18-113

Mr. McCraw,

Thank you for allowing Mistras to respond to the apparent violations noted in the December 11, 2018 letter from the NRC to Mistras Group, Inc. Below are the apparent violations, and the response from Mistras:

**Apparent Violation (1) – An Employee’s deliberate use of radioactive material for unauthorized purposes, contrary to 10 CFR 30.34(c)**

While Mistras does acknowledge the actions of Mr. Bethea were clearly deliberate and performed contrary to the regulatory requirements, we would like to again note that these actions were performed by Mr. Bethea, and Mr. Bethea alone. Mistras goes above and beyond to ensure that our personnel are properly trained, and vetted prior to performing any form of inspection, especially when it comes to the security and use of radioactive materials. As the licensee, we understand that we are responsible for our personnel and equipment, but we ask that you take into consideration that there was no way for Mistras to know that this incident would take place, and therefore could not prevent it from occurring.

**Apparent Violation (2) – An Employee’s deliberate conduct of radiography at a temporary jobsite with only one individual, contrary to 10 CFR 34.41(a)**

As with the acknowledgment to the first apparent violation, we agree that this action was performed contrary to the regulatory requirements. However, Mistras followed all requirements for radiographic inspections being performed at a temporary jobsite/location. All radiography was performed by two properly training individuals without incident as requested by our customer. It was after this work was completed, and the assistant had left the area to develop film, that Mr. Bethea took it upon himself to expose the source and perform the radiographs of his hand.

Mr. Bethea had been audited as required prior to this incident, and during those audits had shown no indications that he would take it upon himself to act in such a manner. We feel that Mr. Bethea should answer for his actions as they were his alone.

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As part of our regular required training, Mistras trains all individuals performing radiography to conduct "peer checking" on each other prior to the start of all radiographic operations. This is to ensure that the individuals involved are using properly calibrated and functional dose monitoring equipment, are properly trained, and are prepared to work in a safe manner.

In addition, Mistras has implemented a "Stop Work" program, and all personnel have been instructed to stop work at any time they feel a situation or individual is unsafe. When this occurs, all work is stopped, and the situation is investigated by a member of management.

Further, Mistras has also established a toll-free number for any worker to call and anonymously report any individual, or unsafe situation to the appropriate member of management. This number provides a means for all compliance group directors (Radiation Safety, Quality and Safety) to have direct access to employees with concerns and likewise for all employees to have access to those members of management. However, this is only one of the means that is available to Mistras employees to raise concerns. There is also Mistras' Alert Line which also provides the ability to raise concerns anonymously that goes to Mistras' legal department.

I would also like to reiterate that once Mistras became aware of these issues that we notified all radiographic personal via required training of Mistras requirements on the safe performance of radiographic operations. Further, we have incorporated this incident in to our annual refresher training to illustrate our continued expectations regarding compliance. Furthermore, Mistras took immediate action and terminated the employment of the individual involved for their failure to comply with regulations and Mistras policy/procedure.

In closing, I want to note that Mistras constantly strives to be the best we can be when it pertains to Radiation Safety, Safety, and Quality. The actions of Mr. Bethea could not have been predicted, and he was swiftly terminated once it was determined that he knowingly committed the apparent violations. We ask that you take this into consideration when making your final ruling.

This report is provided to the USNRC by Mistras Group Inc., on January 9<sup>th</sup>, 2019.

Matthew Kim

Director Radiation Safety  
Mistras Group Inc.  
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Heath, OH 43056

cc: Chris Smith, Mistras Group, VP Corporate Compliance  
Robert J. Slack, Mistras Group, Director Regulatory Affairs