

October 31, 2023

To: U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk, Washington, DC 20555-0001

Cc: Kerri Kavanagh, Chief
Quality Assurance and Vendor Inspection Branch,
Division of Reactor Oversight, Office of Nuclear Reactor Regulation

Re: Reply to a Notice of Violation 99902109/2023-201-01 & -02

Violation 99902109/2023-201-01

Reason for the Violation

MISTRAS Services has maintained procedure 100-QC-017.1 "Reporting of Defects and Noncompliance in Accordance with 10 CFR Part 21 and 10CFR50.55(e)" since it was original issued on August 1, 2009. The original document was based on a procedure adopted by a MISTRAS subsidiary. Since its inception the procedure has been revised 5 times, mostly due to changes in the referenced regulations. While several external audits have been performed without identifying the procedure's deficiencies, MISTRAS has failed to include a review of this procedure for compliance with 10 CFR Part 21 within the internal audit program.

Corrective steps that have been taken and the results achieved.

Procedure 100-QC-017.1 Revision 6 was issued on September 23, 2023. Revision 6 incorporates appropriate evaluation criteria consistent with guidance provided in NEI 14-09. This document was then included in an internal audit that took place on the week of October 9, 2023. This audit identified a minor administrative error which was corrected in revision 7. Also, the MISTRAS internal audit procedure 100-QC-014 was revised to include an additional requirement of an annual audit of the Quality Assurance Program by a Lead Auditor outside of the MISTRAS Quality Department. This audit will focus on compliance with 10 CFR 50 Appendix B and 10 CFR Part 21. Lastly, MISTRAS recently developed and instituted the Nuclear Products Division (NPD) which will be responsible for the evaluation of activities related to nuclear industry prior to the commencement of work and during work activities. Mistras believes that the NPD will be exceptionally positioned to provide additional oversight of existing procedures and work activities enabling MISTRAS to ensure procedural and reporting compliance.

Corrective steps will be taken to avoid further violation.

MISTRAS will continue to have internal audits performed by a Lead Auditor, independent of the MISTRAS Quality Department, annually in accordance with procedure 100-QC-014. Further, as stated above the appropriate Mistras procedures have been amended to provide additional clarity on reporting requirements. These actions will enable Mistras to maintain and avoid any future noncompliance.

Date when the corrective action will be completed.

All actions associated with this corrective action have been completed. Follow-up audits will be completed annually as required by 100-QC-014.

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Violation 99902109/2023-201-52

Reason for the noncompliance

The initial evaluation of the deviation was expected to be completed within 60 days of the discovery; however additional information, that was not initially available, was uncovered causing the evaluation to extend beyond the 60-day period. MISTRAS procedure to 100-QC-017.1 Rev 5 "Reporting of Defects and Noncompliance in Accordance with 10 CFR Part 21 and 10CFR50.55(e)" failed to clearly identify the timeline and reporting requirements of 10 CFR Part 21.

Corrective steps that have been taken and the results achieved.

An interim report was created faxed to the Document Control Desk on 10/20/2023 as required by 10 CFR 21.21(a)(2). This report describes the reportable condition being evaluated and states when the evaluation will be completed. MISTRAS procedure 100-QC-017.1 "Reporting of Defects and Noncompliance in Accordance with 10 CFR Part 21 and 10CFR50.55(e)" was completely revised to meet the requirement of 10 CFR Part 21 and better clarifies the timeline and reporting requirements. As mentioned previously MISTRAS has instituted a Nuclear Projects Division (NPD) to focus the Quality Department's assets on overseeing services provided to the nuclear power industry. As a result, the NPD are stationed to ensure that MISTRAS maintains compliance with regulatory reporting requirements.

Corrective steps will be taken to avoid further noncompliance.

The final report identifying evaluation results shall be completed and submitted to the Document Control Desk. Again, as mentioned previously, Mistras has revised and updated existing procedures to address issues that contributed to these NOV's. Further, Quality Department personnel are receiving additional awareness training to improve awareness of reporting expectations regarding 10 CFR Part 21. MISTRAS believes these actions will result in avoidance of any further noncompliance in this matter.

Date when the corrective action will be completed.

The final report is expected to be completed and submitted to the NRC by November 10, 2023.

Sincerely,



10/31/2023

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