



**HAYES TESTING LABORATORY, INC.**

Phone 502-266-9729  
2521 Holloway Rd.  
Louisville, Kentucky 40299

May 22, 2000

United State Nuclear Regulatory Commission  
Region II  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street SW Suite 23T85  
Atlanta, GA 30303-8931  
ATTN: Mr. Douglas Collins

**SUBJECT: RESPONSE TO APPARENT VIOLATION IN NRC  
INVESTIGATION NO. 150-00016/99-02 AND OFFICE OF  
INVESTIGATION REPORT OF INVESTIGATION 2-19999-039**

Dear Mr. Collins:

This letter is our response to the inspection conducted on November 3, 1999. The results of this inspection were documented in previous correspondence.

As noted in your correspondence, Hayes Testing Laboratory, Inc. has taken immediate corrective actions regarding the items cited in the inspection report. The actions are as follows:

1. The performance of industrial radiography in NRC jurisdiction is being performed only after the NRC has been notified of the inspection by means of Form 241. The reason for the problem was due to lack of understanding of the NCR's rules in filing Form 241, i.e. 3-day notice. Filing of Form 241 is now clearly defined and HTL is currently filing Form 241 in as timely a manner as is possible given the requirements of our clients.
2. HTL is currently filing amended Form 241's to identify new job sites not previously listed on Form 241. Hayes Testing Laboratory, Inc. was unclear as to the rules of the NRC in filing Form 241 for new job sites. Immediate action has been taken to notify the NRC as soon as a client in a non-agreement state requires radiography.
3. HTL is now filing clarifications to identify new dates of work sites previously submitted on Form 241. The violation cited was an oversight on our part. Hayes Testing Laboratory, Inc. is and will continue to submit the required Form 241 to the NRC for all new dates for work sites within the NRC's jurisdiction. A new audit process is in place to insure filing Form 241 for new work dates in a timely manner.

The circumstances surrounding the violations were clearly a lack of understanding on our part. As soon as we realized that there was a problem with our filing of Form 241, via your inspection report, we conducted a complete and thorough review of the circumstances that led to the violation. We identified the



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root cause of the violation. HTL took comprehensive immediate corrective action as noted in your report dated April 28, 2000. Mr. Daniel J. Hayes, Sr. will be supervising all submissions of Form 241 to the NRC in a timely manner. We sincerely regret that our ignorance of the regulations has lead to apparent violations on our part. We are confident that we are now in compliance and actions have been taken to maintain that compliance. Hayes Testing Laboratory, Inc. currently complies with and understands the regulations required in filing Form 241's.

We would like to take this opportunity to inform the NRC that Hayes Testing Laboratory, Inc. personnel would never knowingly or deliberately violate NRC regulations concerning radiography in agreement or non-agreement states. Hayes Testing Laboratory, Inc. has been performing non-destructive examination for approximately thirty years and has always tried to comply with all rules and regulations governing radiographic examination because of the hazards and public safety involved with this form of inspection.

We would like to ask that the Nuclear Regulatory Commission please notify us as soon as possible of their findings based on this response. Please advise us of your enforcement decision and we sincerely hope that this response will not warrant civil penalties.

Please call at any time should you require additional information.

Respectfully submitted,

Daniel J. Hayes, Sr.  
President, Level III and RSO

DJH/kl

STATE OF KENTUCKY  
COUNTY OF JEFFERSON

Being duly sworn and subscribed to before me on this 22<sup>nd</sup> day of May 2000, I do hereby verify that Daniel J. Hayes, Sr. did appear before me and did execute this document.

Kathy A. Lane, Notary Public, State- At-Large