



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 2, 2005

Docket No. 03032721  
EA No. 05-048

License No. 37-28744-01

Rose McNew  
President  
Professional Inspection and Testing Services, Inc.  
56 North Second Street  
Chambersburg, PA 17201

SUBJECT: INSPECTION 03032721/2004002, PROFESSIONAL  
INSPECTION AND TESTING SERVICES, INC.

Dear Ms. McNew:

On May 11, 2005, we sent you a letter with NRC Inspection Report 03032721/2004002, a Notice of Violation (Notice), and a Factual Summary of Office of Investigations (OI) Report 1-2004-027. The Notice described three Severity Level IV violations and requested a written response to explain your corrective actions to prevent recurrence of each violation. We received your letter dated June 9, 2005, informing us of your corrective and preventive actions. These actions will be examined during a future inspection of your licensed program.

We indicated in our letter that OI had completed its investigation regarding a former employee who failed to secure and maintain constant surveillance of licensed material in an unrestricted area. We stated that, based on information developed during its investigation, OI concluded that: (1) your former employee deliberately failed to maintain control over licensed material in an unrestricted area, and (2) there was insufficient evidence to conclude that you failed to make a timely report to the NRC concerning the missing/stolen radioactive material. We also stated that we were reviewing this matter for appropriate enforcement action.

The NRC has completed its review and concluded that (1) your former employee acted independently and deliberately failed to comply with NRC regulations by not securing and maintaining constant surveillance of licensed material in an unrestricted area, (2) Professional Inspection and Testing Services was not in violation of NRC requirements because the individual did not return the licensed material to you after he was no longer employed by you, and (3) you took appropriate corrective actions after becoming aware that your licensed material was stolen by your former employee. The NRC has issued an enforcement action to that individual on this date.

Since the NRC has concluded that you did not violate requirements regarding this matter, you are not required to respond to this letter. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your previous response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

R. McNew  
Professional Inspection and Testing Services, Inc.

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We appreciate your cooperation with us in this matter.

Sincerely,

***Original signed by George Pangburn***

George Pangburn, Director  
Division of Nuclear Materials Safety

cc:

Ingrid Kalb, Radiation Safety Officer  
Richard R. Curtis, Vice President  
Commonwealth of Pennsylvania  
State of Maryland

R. McNew  
Professional Inspection and Testing Services, Inc.

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**SISP Review Complete: JKinneman (Reviewer's Initials)**

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\*Concurrence not needed per e-mail Hayes, OE to J Wray 7/28/05

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