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December 18, 2013

Mr. Daryl W. Istre
Radiation Safety Officer
Mistras Group, Inc.
143 West Street, P.O. Box 1831
Evanston, WY 82930

PRELIMINARY FINDINGS OF INSPECTION
(Response Required)

RE: License No. NRC-12-16559-02

Dear Mr. Istre:

On December 12, 2013, Wayne Yates and Daniel H. Kuhl performed an inspection of activities conducted under NRC Radioactive Material License No. 12-16559-02 at your Kingman, AZ jobsite. The following refers to the inspection and the discussion of preliminary findings held by the inspectors with your radiography team at the conclusion of the inspection.

The inspection was an examination of the activities conducted under the license as they relate to radiation safety and to compliance with the Agency's rules and the conditions of the license. The inspection consisted of a selective examination of procedures and representative records, interviews with personnel, and inspector observations.

The following preliminary findings are submitted for your attention:

PROPOSED VIOLATION:

Failure to maintain a functional Increased Control Program

A.A.C. R12-1-320(A)(3) requires, in part, that an out-of-state licensee using radioactive material in the state of Arizona adhere to the requirements in the license recognized under the reciprocity agreement.

Condition 19(C) of NRC License 12-16559-02 requires, in part, that the licensee maintain all measures implemented in response to the NRC Order imposing Increased Controls.

Contrary to the above the licensee has failed to maintain a key-fob pager alarm used to warn the radiographers that someone was attempting access to the radiation source stored in the darkroom or attempting to steal the truck in which the darkroom is transported to jobsites. The radiographer confronted during the inspection freely admitted the key-fob pager alarm did not function when the radiography team left Wyoming.

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In accordance with criteria described in A.A.C. R12-1-1213 and R12-1-1215 to assess the above violation:

NRC License No. 12-16559-02 is a Division I license.
The violation identified above is Class III violation.

In addition to the above the Agency has concern for the following:

1. The licensee came into the state prior to the authorized time-frame stated in the reciprocity agreement provided to the Agency.
2. The radiography team is not reminded on the utilization record to check the operation of the key-fob alarm pager with the alarm checks on the darkroom and radiography truck.
3. The single transport Index label on the radiography camera over-pack was located on the backside of the over-pack and making it not visible to someone accessing the open door to the darkroom.

Pursuant to the provisions of A.A.C. R12-1-1201.B, the Licensee is hereby required to submit a written statement or explanation to the Agency within 30 days after receipt of this letter. This reply should be clearly marked as a "Reply to Preliminary Findings" and include for each violation: (1) the reason for the violation if admitted; (2) the corrective steps and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. (5) You may deny any violation and submit evidence to support such denial.

Pursuant to A.A.C. R12-1-1210, a timely and thorough response may result in the dismissal of any civil penalties. If an adequate reply is not received within the time specified in this letter, the Agency will proceed with the appropriate administrative sanction or civil penalty. Consideration may be given to extending the response time for good cause shown.

Additionally, as prescribed in A.A.C. R12-1-1217, a violation repeated within five years will result in the scheduled amount of the civil penalty being increased or assessed.

Sincerely,



Brian Goretzki
Program Manager
Radioactive Materials Program

BG:dhk:hlh

cc: NRC Region IV

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