

July 23, 2012

EA-12-129

Mr. Scott C. Brower, R.Ph.
Owner and Radiation Safety Officer
Mid-America Isotopes, Inc.
706 E. Liberty Lane
Ashland, MO 65010

SUBJECT: ERRATA FOR NRC REACTIVE INSPECTION REPORT DATED JUNE 6, 2012 -
MID-AMERICA ISOTOPES, INC.

Dear Mr. Brower:

This is an errata to correct the U. S. Nuclear Regulatory Commission (NRC) Reactive Inspection Report cover letter and Executive Summary page sent to you on June 6, 2012. The report number listed was in error.

Enclosed is the revised cover letter and Executive Summary that correctly references the report number. We regret any inconvenience this may have caused.

In accordance with Title 10 of the Code of Federal Regulations (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions concerning this errata, we will be pleased to discuss them with you.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-31896
License No. 24-26241-01MD

Enclosure:
As stated

cc w/encl: State of Missouri

EA-12-129

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*See previous concurrence

ADAMS Accession Number: ML12206A157

DOCUMENT NAME: G:\DNMS\Work in progress\LTR-Mid-America Isotopes Errata.docx

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July 6, 2012

EA-12-129

Mr. Scott C. Brower, R.Ph.
Owner and Radiation Safety Officer
Mid-America Isotopes, Inc.
706 E. Liberty Lane
Ashland, MO 65010

SUBJECT: NRC REACTIVE INSPECTION REPORT NO. 03031896/2012001(DNMS) AND
NON-CITED VIOLATION – MID-AMERICA ISOTOPES, INC.

Dear Mr. Brower:

On May 23, 2012, the U.S. Nuclear Regulatory Commission (NRC) conducted a reactive inspection at your facility located in Ashland, Missouri, with continued NRC in-office review until June 21, 2012. The in-office review included detailed evaluation of the information provided and the overall determination of the circumstances and significance of the issue identified during the inspection with NRC management. The purpose of the inspection was to review the circumstances surrounding the delivery of licensed material outside your facility on May 20, 2012, and to determine whether activities authorized under your license were conducted safely and in accordance with NRC requirements. The enclosed report presents the results of this inspection. A telephone exit meeting was held on June 21, 2012, between you and Mr. Geoffrey Warren of my staff.

During this inspection, the NRC staff examined activities conducted under your license as they relate to public health and safety, compliance with the Commission's rules and regulations, and compliance with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 of the Enforcement Policy, which is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The NCV involved the failure to secure licensed material outside your facility in Ashland, Missouri, as required by Title 10 of the Code of Federal Regulations (CFR), Section 20.1802, and is described in the subject inspection report.

If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region III; and (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with Title 10 of the Code of Federal Regulations 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA by Patricia J. Pelke Acting For/

Anne T. Boland, Director
Division of Nuclear Materials Safety

Docket No. 030-31896
License No. 24-26241-01MD

Enclosure:
Inspection Report No. 03031896/2012001(DNMS)

cc w/encl: State of Missouri

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We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA by Patricia J. Pelke Acting For/

Anne T. Boland, Director
Division of Nuclear Materials and Safety

Docket No. 030-31896
License No. 24-26241-01MD

Enclosure:
Inspection Report No. 030-31896/2012001(DNMS)

cc w/encl: State of Missouri

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*See previous concurrence

ADAMS Accession Number: ML12185A028

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EXECUTIVE SUMMARY

**Mid-America Isotopes, Inc.
Ashland, Missouri
NRC Inspection Report No. 03031896/2012001(DNMS)**

The purpose of this reactive inspection was to review the circumstances and the root and contributing causes associated with a courier leaving packages containing a molybdenum-99/technetium-99m generator and other materials unsecured outside the licensee's facility on May 20, 2012. The U.S. Nuclear Regulatory Commission (NRC) inspectors conducted a routine and reactive inspection at the licensee's facility on May 23, 2012, and interviewed personnel at the shipper and courier companies on May 24, 2012, to obtain additional information.

The courier realized as he was traveling toward the licensee's facility that he had forgotten to bring the key to the facility so that he could leave the materials to be delivered inside. He contacted the licensee, who gave him instructions on how to access the facility. The courier misunderstood the instructions because of a bad cell phone connection, and believed the licensee wanted him to leave the packages outside the facility. Based on this misunderstanding, he left the packages outside, covering them to prevent them from being visible. The licensee contacted him soon after to ask whether he had been able to deliver the packages; he answered that he had done so. When licensee personnel arrived at the facility, expecting the packages to be inside the building, they contacted the courier to find out where the packages had been placed, and then brought the packages inside.

The inspectors identified a violation of NRC requirements involving the failure to maintain surveillance and control of licensed materials that were not in storage, as required by Title 10 of the Code of Federal Regulations, Section 20.1802. The root cause of the violation was miscommunication between the courier and licensee staff. Neither the courier nor the licensee verified that the courier understood the delivery instructions. As corrective action, the licensee changed their policy for providing access in case of a courier forgetting the key; in all cases, the pharmacist will meet the courier at the facility rather than providing instructions for access.

This non-repetitive, licensee identified and licensee corrected violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 of the NRC Enforcement Policy.