



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

June 7, 2016

Mr. V. Troy Curnutt
Radiation Safety Officer
Diagnostic Imaging Services of Idaho
1951 Bench Road, Suite F
Pocatello, ID 83201

SUBJECT: NRC INSPECTION REPORT 030-36948/2015-001 AND NOTICE OF VIOLATION

Dear Mr. Curnutt:

This letter refers to the routine, unannounced inspection conducted on May 18, 2015, at your facility in Pocatello, Idaho, and at your mobile nuclear medicine coach located at a client address in Blackfoot, Idaho. The inspection was an examination of activities conducted under byproduct material license 11-34221-01 as they relate to safety, security, and compliance with the Commission's rules and regulations and with the conditions of the license. Within these areas, the inspection consisted of observations of facilities, independent radiation measurements, selected examination of procedures and representative records, and interviews with personnel. The preliminary inspection findings were discussed with Mr. Kevin Leckington and you at the conclusion of the onsite portion of the inspection. A final telephonic exit briefing was conducted with you on June 6, 2016.

Based on the results of this inspection, the U. S. Nuclear Regulatory Commission (NRC) has determined that four violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html. The violations are cited and described in the enclosed Notice of Violation (Notice). The violations are being cited in the Notice because they were identified by the NRC during the inspection. The violations involved the failure to: (1) secure from unauthorized removal or access licensed materials that are stored in controlled or restricted areas; (2) calibrate required instrumentation in accordance with nationally recognized standards or the manufacturer's instructions; (3) obtain a letter signed by the management of each client for which services are rendered that permits the use of byproduct material at the client's address and clearly delineates the authority and responsibility of the licensee and the client; and (4) block and brace packages containing Class 7 (radioactive) materials so that they cannot change position during conditions normally incident to transportation.

You are required to respond to this letter and must follow the instructions specified in the NRC Information Notice 96-28. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the Information Notice on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Information regarding the reason for the

violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC's Web site 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.

Should you have any questions concerning this inspection, please contact Dr. Janine F. Katanic, CHP, at (817) 200-1151 or the undersigned at (817) 200-1191.

Sincerely,

/RA/

Ray L. Kellar, P.E., Chief
Nuclear Materials Safety Branch A
Division of Nuclear Materials Safety

Docket No. 030-36948
License No. 11-34221-01

Enclosure:
Notice of Violation (Notice)

cc: Idaho Radiation Control Program Director

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cc: Idaho Radiation Control Program Director

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NOTICE OF VIOLATION

Diagnostic Imaging Services of Idaho
Pocatello, Idaho

Docket No. 030-36948
License No. 11-34221-01

During the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 18, 2015, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1801 requires that the licensee shall secure from unauthorized removal or access licensed materials that are stored in controlled or restricted areas.

Contrary to the above, on May 18, 2015, the licensee failed to secure from unauthorized removal or access licensed materials that are stored in controlled or restricted areas. Specifically, the licensee's mobile nuclear medicine coach was unsecured and unattended, the door to the hot lab closet inside of the mobile nuclear medicine coach was unsecured, and a package containing approximately 320 millicuries of technetium-99m was not secured from unauthorized removal or access.

This is a Severity Level IV violation (Section 6.7.d.6.).

- B. 10 CFR 35.60(b) requires that a licensee shall calibrate the instrumentation required by 10 CFR 35.60(a) in accordance with nationally recognized standards or the manufacturer's instructions.

Contrary to the above, from August 15, 2013 to May 18, 2015, the licensee failed to calibrate the instrumentation required by 10 CFR 35.60(a) in accordance with nationally recognized standards or the manufacturer's instructions. Specifically, the licensee utilized a Capintec Model CRC-15R dose calibrator to perform direct measurements of unsealed byproduct material and did not perform the calibration in accordance with the manufacturer's instructions. The manufacturer's instructions for the Capintec Model CRC-15R dose calibrator specify that cobalt-57 sources used to perform calibration must be greater than 50 microcuries at the time of the calibration. During the period from August 15, 2013 to May 18, 2015, the cobalt-57 calibration source utilized by the licensee to perform calibration of the Capintec Model CRC-15R dose calibrator was less than 4 microcuries.

This is a Severity Level IV violation (Section 6.7.d.4.).

- C. 10 CFR 35.80(a)(1) requires that a licensee providing mobile medical service shall obtain a letter signed by the management of each client for which services are rendered that permits the use of byproduct material at the client's address and clearly delineates the authority and responsibility of the licensee and the client.

Contrary to the above, on May 18, 2015, the mobile medical service licensee failed to obtain a letter signed by the management of each client for which services are rendered that permits the use of byproduct material at the client's address and clearly delineates the authority and responsibility of the licensee and the client. Specifically, on May 18, 2015, the mobile medical service licensee was performing licensed activities at a client's address (Blackfoot Medical Clinic) and the signed

Enclosure

letter from the client dated April 28, 2005, did not clearly delineate the authority and responsibility of the licensee and the client.

This is a Severity Level IV violation (Section 6.3.d.).

- D. License Condition 14 of NRC license 11-34221-01, Amendment No. 5, requires that the licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR 71, "Packaging and Transportation of Radioactive Material." 10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the U.S. Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 177.842(d) requires that packages containing Class 7 (radioactive) materials must be so blocked and braced that they cannot change position during conditions normally incident to transportation.

Contrary to the above, on May 18, 2015, the licensee transported licensed Class 7 (radioactive) material on public highways and failed to comply with the applicable provisions of the U.S. DOT regulations in 49 CFR 177.842(d). Specifically the licensee transported Class 7 (radioactive) material in a package that was not blocked and braced so that it cannot change position during conditions normally incident to transportation.

This is a Severity Level IV violation (Section 6.8.d.).

Pursuant to the provisions of 10 CFR 2.201, Diagnostic Imaging Services of Idaho, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, Texas, 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion

of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

In accordance with 10 CFR 19.11(a)(4), you may be required to post this Notice within two working days.

Dated this 7th day of June 2016