

Appendix

NOTICE OF VIOLATION

Midwest Inspection Services

License No. 48-16296-01

As a result of the inspection conducted on June 24 and 27, 1985, and in accordance with the General Policy and Procedures for NRC Enforcement Actions, (10 CFR Part 2, Appendix C), the following violations were identified:

1. 10 CFR 34.25(b) requires that you test each sealed source for leakage at intervals not to exceed six months.

License Condition 13.B. states that, such requirement does not apply to radiography sources that are stored and not being used. The sources excepted from this test shall be tested for leakage prior to any use or transfer to another person unless they have been leak tested within six months prior to the date of use or transfer.

Contrary to this requirement, the licensee transferred six iridium-192 sealed sources to the licensee's vendor during the period from March 27, 1984 to February 5, 1985 without performing the required leak test. For example: Source Serial Number 3.082 was last leak tested on January 2, 1983 and transferred on March 27, 1984; Serial Number 35.082 was last leak tested on January 9, 1983 before the transfer on June 27, 1984; Serial Number 24.103 was last leak tested on April 5, 1984 before the transfer on February 5, 1985. Each of these examples exceeded the six month interval.

This is a Severity Level IV violation (Supplement VI).

2. 10 CFR 20.401(b) requires that you maintain records showing the results of monitoring required by 10 CFR 20.205(c), "Procedures for picking up, receiving, and opening packages." 10 CFR 20.205(c)(1) and (2) require each licensee upon receipt of a package containing quantities of radioactive materials in excess of Type A quantities, to monitor the external surfaces of that package, and shall immediately report to the appropriate NRC Regional Office radiation levels exceeding 200 millirem per hour from the outer surface of the package, or 10 millirem per hour one (1) meter from the outer surface of the package.

Contrary to this requirement, the licensee failed to maintain records of surveys performed to determine radiation levels at one (1) meter from the outer surfaces of packages exceeding Type A quantities of iridium-192 received by the licensee in 1984 and to the day of the inspection, June 24, 1985.

This is a Severity Level V violation (Supplement IV).

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3. 10 CFR 20.408 states, that when an individual who possesses or uses byproduct material for purposes of radiography, terminates employment the licensee shall furnish to NRC a report of the individual's exposure to radiation incurred during the period of employment.

Contrary to this requirement, no report was submitted for an individual who terminated employment in October 1984.

This is a Severity Level IV violation (Supplement IV).

4. 10 CFR 71.5(a) requires that no licensee shall transport any licensed material outside of the confines of his plant or other place of use unless the licensee complies with the applicable regulations of the Department of Transportation in 49 CFR Parts 170-189.

49 CFR 172.403 requires that each package of radioactive material, unless excepted from labeling by §173.421 or §173.422 be labeled, as appropriate, with a RADIOACTIVE WHITE-I, a RADIOACTIVE YELLOW-II, or a RADIOACTIVE YELLOW-III label.

Contrary to the above, it was learned from statements of licensee representatives, an examination of packages and a review of records that this requirement was not met. Specifically, you transported licensed material to various areas in the States of Wisconsin and Michigan on numerous occasions since April 1984 without affixing a RADIOACTIVE WHITE-I, YELLOW-II, or YELLOW-III label.

This is a Severity Level IV violation (Supplement V).

5. 49 CFR 173.25(a) requires that authorized packages shipped in approved outer containers be marked with a statement indicating that the inside (inner) packages comply with prescribed specifications. The marking should be on the outer enclosure. 49 CFR 172.301 requires the licensee to mark the outer surface of the package with the proper shipping name and identification number.

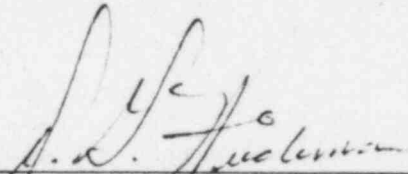
Contrary to the above, it was learned from statements of licensee representatives, an examination of packages and a review of records that this requirement was not met. Specifically, you transported licensed material to various areas in the States of Wisconsin and Michigan on numerous occasions since April 1984 without marking the outer enclosures with a statement indicating that the inner packages comply with prescribed specifications, and you failed to mark the outer enclosures with the proper shipping name and identification number, namely "Radioactive Material Special Form, NOS UN 2974."

This is a Severity Level IV violation (Supplement V).

Pursuant to the provisions of 10 CFR 2.201, you are required to submit to this office within thirty days of the date of this Notice a written statement or explanation in reply, including for each item of noncompliance: (1) corrective action taken and the results achieved; (2) corrective action to be taken to avoid further noncompliance; and (3) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown.

JUL 19 1985

Dated \_\_\_\_\_

  
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D. G. Wiedeman, Chief  
Nuclear Materials Safety  
Section 1