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December 13, 1996

Rod Reinholdt  
Vice President  
MQS Inspection, Inc.  
2301 Arthur Avenue  
Elk Grove Village, IL 60007

SUBJECT: NRC INSPECTION AND NOTICE OF VIOLATION

Dear Mr. Reinholdt:

This acknowledges receipt of your letter dated November 19, 1996, in response to our letter dated October 22, 1996, transmitting a Notice of Violation.

In your reply you requested additional information to enhance your effectiveness to avoid recurrence of violations associated with a public highway. As stated in our October 22, 1996, letter, if public access to a road is not restricted then the road is considered a public highway in regard to NRC requirements.

We have reviewed your corrective actions, which appear to be adequate, and have no further questions at this time. These corrective actions will be examined during a future inspection.

Sincerely,  
Original signed by Cynthia D. Pederson  
Cynthia D. Pederson, Director  
Division of Nuclear Materials Safety

License No. 12-00622-01  
Docket No. 030-04041

cc: E. Banfield, RSO

bcc: PUBLIC  
B. Burgess, EICS  
RII Docket File, DNMS

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November 19, 1996

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Document Control Desk  
Subject: Reply to a Notice of Violation, License No. 12-00622-07, Docket No. 030-04041

This letter is in response to a Notice of Violation issued October 22, 1996 subsequent to an NRC inspection conducted on August 8, 1996 at our temporary jobsite at the Sun Oil Company Refinery in Yabucoa, Puerto Rico. The issues are identified below along with our response.

A. *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, shall comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.*

1. *49 CFR 177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.*

*Contrary to the above, as of August 8, 1996, the licensee transported licensed material outside the confines of its plant without a shipping paper.*

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

2. *49 CFR 172.403 requires, in part, with exceptions not applicable here, that each package of radioactive material be labeled, as appropriate, with two RADIOACTIVE WHITE-I, RADIOACTIVE YELLOW-II or RADIOACTIVE YELLOW-III labels on opposite sides of the package. The contents, activity, and transport index must be entered in the blank spaces on the label.*

*Contrary to the above, as of August 8, 1996, the licensee transported outside the confines of its plant licensed material without the required RADIOACTIVE YELLOW-II labels.*

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

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3. *49 CFR 177.842(d) requires, in part, that packages of radioactive materials be so blocked and braced that they cannot change position during conditions normally incident to transportation.*

*Contrary to the above, on August 8, 1996, the licensee transported a package containing approximately 22 Curies of Ir-192, licensed material, outside the confines of its plant, and the package was not blocked and braced such that it could not change position during conditions normally incident to transportation. Specifically, the radioactive exposure device(package) containing the licensed material was transported on the bed of the vehicle without any restraints or securing mechanism.*

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

Issues A.1, A.2, and A.3, are addressed together in this letter because the reason for the alleged violation, the corrective actions, the actions to avoid recurrence, and date full compliance achieved are the same. It was our understanding that the road referenced in the NRC October 22, 1996 Notice of Violation cover letter is leased by the Sun Oil Company Refinery and as such under the refinery's care, custody, and control therefor part of the site of usage.

We have changed our practices regarding the movement of our equipment and materials on the referenced throughway. These practices now include the preparation of prescribed shipping papers, labeling on the shipping package with the appropriate Radioactive White I, or Radioactive Yellow II or Radioactive Yellow III and adequate blocking and bracing to prevent change of the package position during conditions normally incident to transportation.

Full compliance achieved as of the date of this letter. The information provided by the NRC in the October 22, 1996 letter has changed our understanding of this work scenario and serves to avoid recurrence of these described violations at this site.

We request additional information from the NRC to enhance the effectiveness of our actions to avoid recurrence. The additional information will hopefully provide us a standard that we could use to objectively apply to these work and equipment movement scenarios. Please provide us with an explanation defining the acceptable and appropriate methods for determining whether a pathway is a private drive or a public road.

- B. *10 CFR 34.20 requires, in part, that each radiographic exposure device have attached, by the user, a durable, legible, clearly visible label bearing the license's name, address and telephone number.*

*Contrary to the above, on August 8, 1996, the licensee used a radiographic exposure device, without a durable, legible label bearing the licensee's address and telephone number.*

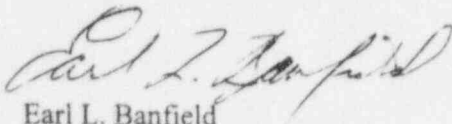
*This is a Severity Level IV violation (Supplement VI).*

This violation was caused by an oversight. The device was labeled with a label that had the company name on it but it did not include a legible address and phone number. The devices have been relabeled as required. Our "Radiographic Equipment Daily Inspection and Maintenance" form has been revised to clarify labeling requirement as a measure to avoid further noncompliances.

Our actions, as represented in this letter in our opinion, provide for compliance with the identified issues. If you have any questions, please contact me. Thank you for your assistance, advice, and cooperation:

Very truly yours,

**MQS INSPECTION, INC.**



Earl L. Banfield  
Corporate Radiation Safety Officer

ELB\sjp:96-360

cc: USNRC Region III Regional Administrator  
R. Reinholdt  
All Facility RSO's  
H.O. Inspection