

NOTICE OF VIOLATION

MQS Inspection, Inc.
Elk Grove Village, Illinois

License No. 12-00622-07
Docket No. 030-04041

During NRC inspections conducted on September 25, 1996, through December 11, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

1. 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.

- A. 49 CFR 172.504 prescribes requirements for placarding vehicles used to transport hazardous materials. Specifically, Table 1 requires that the transport vehicle be placarded on each side and each end with a "RADIOACTIVE" placard when transporting: a) packages bearing a "RADIOACTIVE YELLOW-III" label, and b) low specific activity (LSA) radioactive materials shipped as exclusive use (footnote 1).

Contrary to the above, on September 27, 1996, the licensee transported licensed material outside the confines of its plant in a package with the required "RADIOACTIVE YELLOW-III" label, and the transport vehicle was not placarded with "RADIOACTIVE" placards. Specifically, the licensee transported an Amersham Model 680A radiographic exposure device containing about 94 curies of cobalt-60 in a sealed source and the radiation exposure rate at the surface of the device was about 64 millirem per hour.

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

- B. 49 CFR 172.406(f) requires that a label must be clearly visible and may not be obscured by markings or attachments.

Contrary to the above, on September 27, 1996, the licensee transported a package that was labeled "RADIOACTIVE YELLOW-III" on opposite sides of the package and obscured the labels with attachments. Specifically, the licensee transported an Amersham Model 680A radiographic exposure device containing about 64 curies of cobalt-60 in a sealed source and obscured the labels by taping sheets of lead to the sides of the device in order to reduce the radiation exposure rate at the surface of the package.

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

2. 10 CFR 34.20(b)(1) requires, in part, that each radiographic exposure device have attached by the user, a durable, legible, clearly visible label bearing the licensee's name, address and telephone number.

Contrary to the above, as of December 10, 1996, the licensee used a radiographic exposure device, without a durable, legible label bearing the licensee's address and telephone number. Specifically, the label bearing the licensee's name, address, and telephone number that was attached to a radiographic exposure device stored in Pearl City, Hawaii, was not durable in that the label was made of paper material, was covered with transparent adhesive tape, and was partially torn off.

This is a repeat violation.

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

3. Items 6, 7, 8, and 9 of License No. 12-00622-07 specify the byproduct, source, and/or special nuclear material; chemical and/or physical form; maximum amount that the licensee may possess at any one time under this license; and the authorized use.

Subitem H. of Items 6, 7, 8, and 9 indicate that the licensee may possess uranium depleted in uranium-235; as solid metal; not to exceed the total possession limit of 999 kilograms; to be used as shielding in radiographic exposure devices, source changers (shipping containers), and collimators.

Contrary to the above, as of October 22, 1996, the licensee possessed uranium depleted in uranium-235 as metal shielding that exceeded the total limit of 999 kilograms in radiographic exposure devices, source changers (shipping containers), and collimators that were located at licensee field offices and temporary job sites.

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

Pursuant to the provisions of 10 CFR 2.201, MQS Inspection, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, 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, (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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. 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 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Lisle, Illinois
this 23 day of June, 1997