



**Iowa Department of Public Health**  
Advancing Health Through the Generations

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Thomas J. Vilsack  
Governor

Sally J. Pederson  
Lt. Governor

Mary Mincer Hansen, R.N.,PhD.  
Director

July 14, 2006

David L. Weber, RSO  
Midwest Testing, Inc.  
3377 Hollenberg Drive  
Bridgton, MO 63044

License No.: 9112-1-00-PG

Dear Mr. Weber:

This refers to the unannounced, initial safety inspection conducted by Randal S. Dahlin of this office on July 11, 2006, of activities authorized by the State of Iowa under reciprocal recognition of NRC Radioactive Materials License No. 24-24619-02, and to the discussion of our findings with you at the conclusion of the inspection.

The inspection was an examination of activities conducted under your license as they relate to radiation safety, to compliance with the Iowa Department of Public Health (Agency) Rules, and with the conditions of your license. The inspection consisted of a selective examination of procedures and representative records, observations, independent measurements, and interviews with licensee personnel.

During this inspection, certain of your activities were found to be in violation of Agency requirements, as specified in the enclosed Notice. A written response is required.

Chapter 136C.10, The Iowa Code, authorizes the Agency to establish and collect fees for the issuance and amendment of licenses for radioactive materials and the periodic inspection of radioactive materials. This rule is implemented through the establishment of a fee schedule, in accordance with 641-38.8(136C).

Your attention is directed to 641-38.8(2)"b" which requires that after completion of an inspection, a fee shall be assessed to a facility based on the fee schedule found in 10 CFR 170.31 entitled "Schedule of Fees for Health and Safety, and Safeguards Inspections for Materials Licenses," issued by the US Nuclear Regulatory Commission (NRC). This NRC fee schedule has been incorporated in the enclosed "Radioactive Materials Fee Schedule."

Based on your license category and the enclosed schedule, you have been assessed a fee of \$1,927.00 for the inspection conducted on July 11, 2006. The fee shall be paid within 30 days after receipt of this notification following the inspection and shall be made payable to the Iowa Department of Public Health.

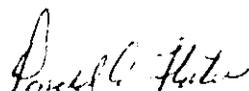
The Iowa Department of Public Health is forwarding a copy of this letter and the notice of violation to the Nuclear Regulatory Commission.

Page 2

Mr. David L. Weber  
Midwest Testing, Inc.  
July 14, 2006

If you have any questions concerning this matter please do not hesitate to contact Randal S. Dahlin at (515) 281-0419 or Nancy A. Farrington at (515) 281-0422.

Sincerely,



Donald A. Flater, Chief  
Bureau of Radiological Health

RSD/rlu

*M*cc: James L. Lynch  
Regional State Agreements Officer  
Nuclear Regulatory Commission  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532

Enclosures: 1. Radioactive Materials Fee Schedule  
2. Notice of Violation

## NOTICE OF VIOLATION

Midwest Testing, Inc.  
3377 Hollenberg Drive  
Bridgeston, MO 63044

License No.: 9112-1-00-PG

During an inspection conducted by Randal S. Dahlin on July 11, 2006, violations of Agency requirements were identified. In accordance with the Iowa Administrative Code Chapter 641-38.5(136C), the violations are listed below:

1. 641-40.55(5) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on July 11, 2006, the licensee had one physical control securing the portable gauge. Specifically, the toolbox in which the portable gauge was stored had one lock and when out of the toolbox, the container was secured with one chain.

This is a Severity Level IV violation.

2. 641-39.5(136C) states, in part, that all persons who transport radioactive material or deliver radioactive material to a carrier for transport must comply with the provision contained in 10 CFR 71 and 49 CFR parts 170 through 189.

49 CFR 172.201(d) requires that a shipping paper contain an emergency response telephone number, as prescribed in subpart G of part 172.

Contrary to the above, on July 11, 2006, the licensee transported 10 millicuries of Cesium-137 and 40 millicuries of Americium-241, a licensed material and the shipping papers did not contain an emergency response telephone number, as prescribed in subpart G of part 172.

This is a Severity Level IV violation.

3. 641-39.5(136C) states, in part, that all persons who transport radioactive material or deliver radioactive material to a carrier for transport must comply with the provision contained in 10 CFR 71 and 49 CFR parts 170 through 189.

Page 2  
Midwest Testing, Inc.  
Notice of Violation  
July 14, 2006

49 CFR 172.200(a) requires that each person who offers a hazardous material for transportation describe the hazardous material on the shipping paper in the manner required by Subpart C.

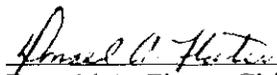
Contrary to the above, on July 11, 2006, the licensee offered for transportation 10 millicuries of Cesium-137 and 40 millicuries of Americium-241, a hazardous material, and did not describe the hazardous material on the shipping paper. Specifically, the UN number was listed as 2974 and should have been 3332.

This is a Severity Level IV violation.

Pursuant to the provisions of 641-38.9(136C), Iowa Radiation Machine and Radioactive Materials Rules, Midwest Testing, Inc. is required to submit a written explanation or statement in reply to the Iowa Department of Public Health, Bureau of Radiological Health, 321 East 12<sup>th</sup> Street, Lucas State Office Building, 5<sup>th</sup> Floor, Des Moines, Iowa, 50319, within 30 days of the date of this Notice of Violation (Notice). This reply should include for each violation: (1) the corrective steps that have been or will be taken, (2) the date when full compliance will be achieved, and (3) the actions that have been or will be taken to prevent recurrence. If an adequate reply is not received within the time specified in this Notice an order or 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.

Consideration may be given to extending the response time for good cause shown.

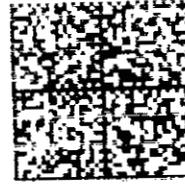
M Date 7/17/06

  
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Donald A. Flater, Chief  
Bureau of Radiological Health

Iowa Department of Public Health

Lucas State Office Bldg. 321 E. 12th, Des Moines, IA 50319-0075

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James L. Lynch  
Regional State Agreements Officer  
Nuclear Regulatory Commission  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532

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