



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

September 13, 2011

Docket No. 03036640

License No. 47-30941-01

Curtis Nichols, C.N.M.T.  
Owner  
Mobile Diagnostics, LLC  
2547 3rd Avenue  
Huntington, WV 25703-1642

**SUBJECT:** NRC INSPECTION REPORT NO. 03036640/2011001, MOBILE DIAGNOSTICS, LLC, HUNTINGTON, WEST VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Nichols:

On May 17, 2011, Janice Nguyen of this office conducted a safety inspection at the above address and at a temporary job site located in Vienna, West Virginia. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and an examination of records. Additional information provided in your correspondence dated June 9, August 25, and August 26, 2011 was also examined as part of the inspection. The results of the inspection were discussed with you at the conclusion of the inspection on September 6, 2011, by a telephonic exit meeting.

Based on the results of this inspection, three violations of NRC requirements were identified. Specifically, Mobile Diagnostics, LLC did not: (1) control and maintain constant surveillance of licensed material at a temporary job site as required by 10 CFR 20.1802; (2) keep shipping papers within the driver's immediate reach while he is restrained by a lap belt as required by 49 CFR 177.817(e)(2)(i); and (3) secure from shifting any hazardous material, not permanently attached to a motor vehicle, within the vehicle on which it is being transported as required by 49 CFR 177.834(a). A Notice of Violation (Notice) is enclosed that categorizes these violations as Severity Level IV. These violations are being cited because they were identified by the NRC.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence is already adequately addressed on the docket and in your correspondence dated June 9, August 25, and August 26, 2011. Your corrective actions included storing licensed material in a locked cabinet when it is not under constant surveillance at a temporary job site; storing all shipping documents on the mileage clip board in the front seat of your mobile van so that it is within immediate reach of the driver; and bracing the ammo boxes with buckled cords to prevent shifting of hazardous material during transport. You have also revised your mobile operating and emergency procedures to incorporate the corrective actions listed above and have retrained staff on these revised procedures. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Janice Nguyen at 610-337-5006 if you have any questions regarding this matter.

Sincerely,

***Original signed by Marc Ferdas***

Marc S. Ferdas, Chief  
Medical Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Robert Davis, M.D., Radiation Safety Officer  
State of West Virginia

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

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Sincerely,

*/RA/*

Marc S. Ferdas, Chief  
Medical Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Robert Davis, M.D., Radiation Safety Officer  
State of West Virginia

Distribution:  
D. J. Holody, RI

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**SUNSI Review Complete: JNguyen**

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OFFICE	DNMS/RI	N	DNMS/RI	N			
NAME	JNguyen/msf f/		MFerdas/msf				
DATE	09/13/11		09/13/11				

OFFICIAL RECORD COPY

## NOTICE OF VIOLATION

Mobile Diagnostics, LLC (MD)  
Huntington, WV

Docket No. 03036640  
License No. 47-30941-01

During a NRC inspection conducted on May 17, 2011, and in-office reviews of additional information provided in correspondence dated June 9, August 25, and August 26, 2011, for which an exit meeting was conducted on September 6, 2011, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1802 requires that a licensee shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

Contrary to the above, on May 17, 2011, MD did not control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. Specifically, patient dosages were left unattended in a patient injection area, an unrestricted area, while the mobile technologist went to the van to retrieve the diagnostic imaging equipment.

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

- B. 10 CFR 71.5(a) requires, in part, that a licensee who transports licensed material outside of the site of usage, as specified in their NRC license, or where transport is on public highways, 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.

49 CFR 177.817(e)(2)(i) requires that when a driver is at the vehicle's controls, the shipping paper shall be within his immediate reach while he is restrained by the lap belt; and either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle.

Contrary to the above, on May 17, 2011, MD did not store their shipping paper within the immediate reach of the driver while he is restrained by the lap belt; and readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle. Specifically, shipping papers were stored on the outside of the Type A container which was kept near the side door of MD's mobile van.

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

- C. 10 CFR 71.5(a) requires, in part, that a licensee who transports licensed material outside of the site of usage, as specified in their NRC license, or where transport is on public highways, 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.

Notice of Violation  
Mobile Diagnostics, LLC

49 CFR 177.834(a) requires, in part, that any package containing any hazardous material, not permanently attached to a motor vehicle, must be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported, under conditions normally incident to transportation.

Contrary to the above, on May 17, 2011, MD did not secure packages containing any hazardous material, not permanently attached to a motor vehicle, against shifting, including relative motion between packages, within the vehicle on which it is being transported, under conditions normally incident to transportation. Specifically, MD kept the ammo boxes containing unit dosages of radioactive material in the divot located in the side of the mobile van, and were not blocked or braced to prevent shifting during transport.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket and in correspondence from Mobile Diagnostics, LLC on June 9, August 25, and August 26, 2011. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 13th day of September 2011