

NOTICE OF VIOLATION

Dayton X-ray
Dayton, Ohio

Docket No. 030-05731
License No. 34-06943-01

During an NRC inspection conducted August 15 and 21, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) (60 FR 34381, June 30, 1995/NUREG-1600), the violations are listed below:

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, 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 177.842 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 15, 1995, the licensee transported a package containing 62 curies of iridium-192 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 Amersham 660B exposure device was placed in the back of the radiography rig and no restraints were used to prevent movement during transport.

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

2. 49 CFR 172.203(c) requires that the letters "RQ" be entered on the shipping paper either before or after the basic description required for each hazardous substance. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

49 CFR 172.202(a) and (b) require in part, with exceptions not applicable here, that the shipping description of a hazardous material on the shipping paper include, in the following sequence: (1) the proper shipping name prescribed for the material in 172.101 or 172.102, (2) the hazard class, (3) the identification number, and (4) the total quantity by weight or volume. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Enclosure 2

Contrary to the above, on August 15, 1995, the licensee transported outside the confines of its plant licensed material, and the shipping description on the shipping paper that the licensee used to accompany the shipment did not include the hazard class or the letters "RQ".

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

Pursuant to the provisions of 10 CFR 2.201, Dayton X-ray 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 copies to the Regional Administrator, Region II, and Chief, Nuclear Materials Inspection Section, Region II, 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 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.

Dated at Atlanta, Georgia
this day of August 1995