



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

FEB 8 1994

Docket: 030-32629
License: 33-27427-01

Midwest Industrial X-Ray, Inc.
ATTN: Michael Manger
Radiation Safety Officer
4102 Seventh Avenue North
Fargo, North Dakota 58107

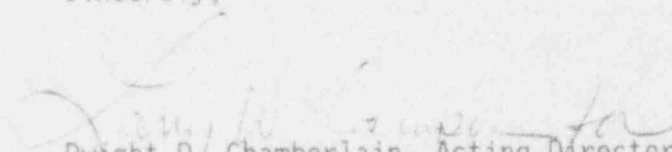
SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-32629/93-01

Thank you for your letter of October 8, 1993, in response to our letter and Notice of Violation dated September 14, 1993. The violation concerned the failure to have an NRC-approved Quality Assurance program for packages used to transport licensed material.

In your response you disputed the violation by stating that a Quality Assurance program had been submitted to the NRC prior to the September 2, 1993, inspection during which the NRC inspector's query was misunderstood. You stated that a revised Quality Assurance program with appropriate fee was submitted on August 26, 1993. The Transportation Branch in NRC's Office of Nuclear Material Safety and Safeguards confirmed this fact; therefore, we have withdrawn the violation.

Should you have any questions in regard to this matter please contact Mr. Charles L. Cain of my staff at (817) 860-8186.

Sincerely,


Dwight D. Chamberlain, Acting Director
Division of Radiation Safety
and Safeguards

cc:
North Dakota Radiation Control Program Director

9402150123 940208
PDR ADOCK 03032629
C PDR

bcc w/copy of licensee letter:

DMB - Original (IE-07)

LJCallan

DDChamberlain

LWCamper

RAScarano, RV

MMessier, OC/LFDCB (4503)

WLFisher

CLCain

RABrown

NMIS

MIS System

RIV Files (2)

*RIV:NMIS	C:NMIS <i>rac</i>	ADD:DRSS <i>rac</i>	AD:DRSS <i>rac</i>	
RABrown	CLCain	LWCamper	DDChamberlain	
02/ /94	02/7 /94	02/7 /94	02/2 /94	

*Previously concurred

bcc w/copy of licensee letter:
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*RIV:NMIS	C:NMIS <i>vac</i>	ADD:DRSS	AD:DRSS	
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02/ /94	02/7 /94	02/7/94	02/7/94	

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MIS System
RIV Files (2)

RIV:NMIS	C:NMIS			
RABrown	CLCain			
01/ /94	01/ /94			

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Midwest Industrial X-Ray

NONDESTRUCTIVE TESTING

P. O. BOX 133 • 4102 - 7TH AVENUE NORTH
FARGO, NORTH DAKOTA 58107

October 8, 1993

- RADIOGRAPHY
- LIQUID PENETRANT
- MAGNETIC PARTICLE
- ULTRASONIC
- WELDER CERTIFICATION & QUALITY ASSURANCE

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Re: Notice of Violation

This letter constitutes Midwest Industrial X-Ray, Inc.'s response to the U.S. NRC's Notice of Violation dated September 14, 1993.

The Violation:

10 CFR 71.12 (b) requires, in part, that a general license to transport licensed material, or to deliver licensed material to a carrier for transport, applies only to a licensee who has a Quality Assurance Program approved by the Commission as satisfying the provisions of 10 CFR Part 71.

Contrary to the above, on several occasions between November 30, 1992, and September 2, 1993, the licensee transported radioactive material under the provisions of 10 CFR 71.12 and did not have a Quality Assurance Program approved by the Commission as satisfying the provisions of 10 CFR Part 71, Subpart H.

Response:

Midwest Industrial X-Ray's License # 33-27427-01 was issued on November 30, 1992. Because it was indeed issued by the Nuclear Regulatory Commission, we assumed all necessary written procedures (including an adequate Quality Assurance Program) were acceptable to the Nuclear Regulatory Commission.

At the request of the NRC at some later date, Midwest Industrial X-Ray submitted to the NRC a copy of its Quality Assurance Program. On July 7, 1993 Tom Matula of the NRC returned it with the notes "Retype on your paper work. Include cover letter and \$250 fee".

On August 26, 1993, Midwest Industrial X-Ray submitted a cover letter, revised Q.A. Program, and the \$250 fee to the U.S. NRC. It was assumed that the Q.A. Program was acceptable to the NRC, or at least in "timely submission" status.

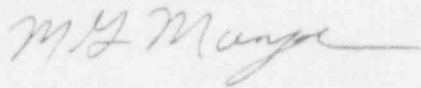
Midwest Industrial X-Ray thus respectfully disputes the violation cited at the September 2 inspection, based on the fact that an acceptable Q.A. Program had already been received by the NRC prior to your September 2, 1993 inspection. This violation was misunderstood, during the time of inspection by Midwest Industrial X-Ray, Inc. Midwest Industrial X-Ray Inc. did have the proper documentation, Midwest Industrial X-Ray Inc. did not realize this was what the inspector was addressing. A copy of the QA program and correspondence is being sent along for your approval.

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~~30-32629~~
33-27427

In any case, corrective steps have been taken by Midwest Industrial X-Ray, but until the NRC reviews and responds to the proposed Q.A. Program, we won't know if full compliance has been achieved.

The philosophy of cooperation is a mainstay of Midwest Industrial X-Ray, and we will continue in that spirit in future interactions with the NRC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Manger", with a long horizontal flourish extending to the right.

Mike Manger
Radiation Safety Officer/President