

November 5, 1990

Docket No. 030-18665  
License No. 15-24485-01  
EA 90-173

Mediq Imaging Services, Inc.  
ATTN: J. W. Francis  
Director of Operations  
Suite 1320  
7101 College Blvd.  
Overland Park, Kansas 66210

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 030-18665/90001)

This refers to the special safety inspection at Mediq Imaging Services, Incorporated facilities located at Kirksville and Lexington, Missouri, conducted on September 19, 1990, and authorized by NRC License No. 15-24485-01. During the inspection, violations of NRC requirements were identified, and on October 17, 1990, an enforcement conference was held via telephone between you, and other members of your staff, and Mr. William L. Axelson, and other members of the NRC staff. A copy of the inspection report was mailed to you on October 12, 1990.

The violations, which are described in the enclosed Notice of Violation (Notice), include: A. failure to describe hazardous materials on shipping papers during transport, B. failure to maintain documentation indicating that transportation packages met the requirements of the U. S. Department of Transportation, C. failure to enter the activity and transport index on radioactive labels affixed to the packages containing radioactive materials, D. failure to mark packages containing radioactive material with the proper shipping name and identification number, and E. failure to determine the level of contamination on packages of radioactive materials prior to the shipment of the packages.

The root causes of the violation and the subsequent corrective action were discussed during the October 17, 1990 enforcement conference. The contributing factors to the violations appeared to be your staff's lack of knowledge of the requirements associated with the shipment of radioactive materials and the lack of audits by the Radiation Safety Officer to determine compliance with those requirements. The NRC notes that actions undertaken to correct the violations included: (1) in-service training on the transportation regulations was conducted for all employees, (2) new shipping cases, accompanied by a written

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engineering evaluation, were purchased, (3) standardized shipping papers were developed, (4) the radiation safety officer will include a review of the transportation regulations in the quarterly audits of the facilities, and (5) the lessons learned from this inspection will be shared with the other NRC licensed facilities operated by Mediq Imaging Services.

Violations involving shipping papers, package marking and labeling, and lack of package surveys could each be classified as a significant failure to identify the type, quantity, or form of material offered for transportation or a substantial potential for personnel contamination from a package offered for transportation. However, the NRC has decided to view these violations along with the Violation involving Specification 7A package documentation collectively, as they are indicative of a lack of management control and supervisory oversight of your program for the transportation of radioactive materials. Therefore, the violations are classified in the aggregate as a Severity Level III problem.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C (1990), a civil penalty is considered for a Severity Level III problem. However, after consultation with the Director, Office of Enforcement, I have decided that a civil penalty will not be proposed in this case. Since all of the violations were identified by the NRC, the amount of the base civil penalty can be increased as much as 50 percent since the NRC, rather than your own organization, identified each violation. However, the civil penalty was mitigated by 50 percent due to the prompt and extensive actions you took to correct the violations. Additionally, the amount of the civil penalty was mitigated 100 percent because of your excellent past performance since only one violation has been identified since issuance of the license on May 3, 1985. Of particular note was your formation of a radiation safety committee, even though such a committee is not required by NRC regulation or license condition. The other adjustment factors in the Policy were considered and no further adjustment is considered appropriate.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

Original signed by  
A. Bert Davis

A. Bert Davis  
Regional Administrator

Enclosure: Notice of Violation

D:OE  
(Rec'd via FAX)  
JLieberman  
11/ /90

*yes*  
RIII  
*CP*  
Pederson/cb  
11/5/90

*yes*  
RIII  
*MSA*  
Norenius  
11/5/90

RIII  
*CP*  
Paperiello  
11/5/90

RIII  
*d*  
Davis  
11/5/90

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SLO:RIII  
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