

NOTICE OF VIOLATION

Mediq Imaging Services, Inc.  
Overland Park, Kansas

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

During an NRC inspection conducted on September 19, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violations are listed below:

10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plants or deliver licensed material to a carrier for transport comply with the applicable requirements of the regulations appropriate to the mode of transport of the U.S. Department of Transportation (DOT) in 49 CFR Parts 170-189.

- A. 49 CFR 172.200(a) requires, in pertinent part, that each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

Contrary to the above, on an almost daily basis during the period of July 1987 through September 19, 1990, the licensee transported hazardous material from the Lexington and Kirksville, Missouri facilities, and failed to describe the hazardous material on shipping papers. Specifically, the licensee transported from 20 millicuries to a maximum of 1.2 curies of technetium-99m and 162 microcuries of cesium-137 (radioactive hazardous materials) without the required shipping papers.

49 CFR 173.415(a) requires that each shipper of a Specification 7A package must maintain on file for at least one year after the latest shipment a complete documentation of tests and an engineering evaluation or comparative data showing that the construction methods, packaging design, and materials of construction comply with that specification as described in §178.350.

Contrary to the above, the licensee shipped Specification 7A packages containing radioactive material, from the Lexington and Kirksville, Missouri, facilities almost daily during the period from July 1987 through September 19, 1990. As of September 19, 1990, the licensee failed to maintain on file documentation of tests and an engineering evaluation or comparative data showing that the construction methods, packaging design, and materials of construction of the packages used to transport radioactive material comply with the specification described in 49 CFR 178.350.

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- C. 49 CFR 172.403(a) requires that unless excepted from labeling by §173.421 through 173.425 of this subpart, each package of radioactive material must be labeled as provided in this section.

49 CFR 172.403(g) requires that the following applicable items of information must be entered in the blank spaces on the RADIOACTIVE label, using a durable weather resistant means of marking: (1) contents, the name of the radionuclide; (2) activity, units shall be expressed in appropriate curie units; and (3) transport index (see §173.403).

Contrary to the above, during the period of July 1987 through September 19, 1990, at the Lexington and Kirksville, Missouri, facilities, the licensee failed to enter the activity in the blank spaces on the RADIOACTIVE labels affixed to packages containing radioactive materials. In addition, at the Kirksville facility, the licensee failed to enter the transport index on the RADIOACTIVE label affixed to packages containing radioactive materials. The packages were not exempted from labeling by 49 CFR §173.421 through 173.425.

- D. 49 CFR 172.301 states that except as provided by this subchapter, each person who offers for transportation a hazardous material in a packaging having a rated capacity of 110 gallons or less shall mark the package with the proper shipping name and identification number (preceded by "IN" or "NA" as appropriate) assigned to the material.

Contrary to the above, the licensee offered radioactive material, a hazardous material, for transportation on an almost daily basis during the period of July 1987 to September 19, 1990, that is not excepted from the subchapter and in packages having a rated capacity of 110 gallons or less and failed to mark the packages with the proper shipping name (radioactive materials n.o.s.) and identification number (UN 2982) assigned to the material.

- E. 49 CFR 173.475(i) requires that before each shipment of any radioactive materials package, the shipper shall ensure by examination or appropriate tests, that the external radiation and contamination levels are within the allowable limits specified in this subchapter.

Contrary to the above, on an almost daily basis during the period of July 1987, to September 19, 1990, packages of radioactive material were shipped by the licensee and the licensee failed to ensure by examination or tests, that the contamination levels were within the allowable limits.

These violations have been categorized in the aggregate as a Severity Level III problem (Supplement V).

Pursuant to the provisions of 10 CFR 2.201 Mediq Imaging Services, Incorporated, 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 a copy of the Regional Administrator, Region III,

799 Roosevelt Road, Glen Ellyn, Illinois 60137, 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. If an adequate reply is not within the time specified in this Notice, an order may be issued to show cause 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. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.



A. Bert Davis  
Regional Administrator

Dated at Glen Ellyn, Illinois  
the 5<sup>th</sup> day of November 1990