

APPENDIX

NOTICE OF VIOLATION

W. A. Boade, M.D., Ltd.
Sioux Falls, South Dakota 57106

Docket: 030-30273
License: 40-26908-01

During an NRC inspection conducted on May 3, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

10 CFR 20.1906(b) and (c) require that each licensee monitor the external surfaces of a package labeled with a Radioactive White I, Yellow II, or Yellow III label for radioactive contamination and radiation levels not later than 3 hours after receipt of the package during the licensee's normal working hours, or not later than 3 hours from the beginning of the next working day if it is received after working hours.

Contrary to the above, from January 1, to May 3, 1994, the licensee received packages labeled with Radioactive White I, Yellow II, and Yellow III labels, and the licensee did not monitor the packages for radioactive contamination. However, the licensee did monitor packages for radiation levels.

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

Pursuant to the provisions of 10 CFR 2.201, W. A. Boade, M.D., Ltd., 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 to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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 received within the time specified in this Notice, an order or a Demand for Information 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.

Dated at Arlington, Texas
this 19th day of May, 1994