

APPENDIX A

NOTICE OF VIOLATION

Quality Systems NDE, Ltd.
Huntingdon Valley, Pennsylvania 19006

Docket No. 030-30170
License No. 37-28085-01

As a result of the inspection conducted on June 21, 1991, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1990), the following violations were identified:

- A. 10 CFR 34.31(b)(3) requires in part, that the licensee shall not permit any individual to act as a radiographer's assistant until such individual has demonstrated understanding of instructions by successfully completing a written or oral test and a field examination on the subjects covered.

Contrary to the above, on June 21, 1991, a licensee employee acted as a radiographers assistant by exposing a 32 curie, iridium-192 source without having demonstrated understanding of instructions by successfully completing a written or oral test and a field examination on the subjects covered.

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

- B. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, on June 21, 1991, at a field site at Morris and Manheim Streets, Philadelphia, Pennsylvania, surveys were not made to evaluate the extent of radiation hazards that may have been present. In addition, direct surveillance of a vacant parking area behind a fence and trees was not possible from the licensees vantage point and neither was this area posted or otherwise restricted by a barricade.

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

- C. 10 CFR 71.12 requires, in part, that a licensee have a quality assurance program approved by the NRC and that a licensee submits in writing to the NRC, prior to the first use of the package, the licensee's name and license number and the package identification number.

Contrary to the above, as of June 21, 1991, the licensee did not have a quality assurance program approved by the NRC and did not submit in writing to the NRC the package identification numbers despite having transported 32 curies of iridium-192 on this date.

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

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D. 10 CFR 71.5(a) requires, in part, that no licensee shall transport any licensed material outside the confines of his plant or other place of use, or delivery an licensed material to a carrier for transport, unless the licensee complies with applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

1. 49 CFR 172.301(a) requires, in part, that each person who offers for transportation a hazardous material shall mark the package with the proper shipping name and identification number.

Contrary to the above, on June 21, 1991, a Type B package containing 32 curies of iridium-192 was transported within Philadelphia, Pennsylvania without a legible shipping name and identification number on the package.

2. 49 CFR 172.203(d)vii requires, in part, that the shipping description of a hazardous material on the shipping paper (required per 49 CFR 171.200) include the package identification marking.

Contrary to this requirement, on June 21, 1991, the licensee transported approximately 32 curies of iridium-192 within Philadelphia, Pennsylvania, and the associated shipping paper did not include the package identification marking.

These are Severity Level IV violations. (Supplement V)

Pursuant to the provisions of 10 CFR 2.201, Quality Systems, NDE, Ltd. is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.