



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

August 31, 2001

EA-01-229

Mr. William H. Craig, EVP
Finance & Administration
Matheson Tri-Gas
P.O. Box 624
959 Route 46 East
Parsippany, NJ 07054-0624

SUBJECT: NON-CITED VIOLATIONS OF 10 CFR 110.24

Dear Mr. Craig:

This refers to various communications between representatives of Matheson Tri-Gas and the U.S. Nuclear Regulatory Commission beginning in March 2001. Representatives of Matheson Tri-Gas reported to the NRC that Matheson Tri-Gas violated NRC export regulations in 10 CFR 110.24. Specifically, contrary to 10 CFR 110.24(a), Matheson Tri-Gas exported deuterium to countries not listed in sections 110.28 or 110.29 in individual shipments exceeding 10 kg on 16 occasions between 1995 and 2000 and exported deuterium in 1999 in excess of 200 kg to one country not listed in sections 110.28 or 110.29. In addition, contrary to 10 CFR 110.24(b), Matheson Tri-Gas exported deuterium to a country listed in section 110.29 in an individual shipment exceeding 1 kg on 1 occasion in 1995.

Based on the information provided by representatives of Matheson Tri-Gas, the NRC has determined that Severity Level IV violations of NRC requirements occurred. Because Matheson Tri-Gas notified NRC and has since provided a description of corrective actions implemented, these violations are being treated as Non-Cited Violations (NCVs), consistent with Section VI.A of the Enforcement Policy. These NCVs are described above. If you contest the violations or significance of these NCVs, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Director, Office of International Programs, United States Nuclear Regulatory Commission, Washington, DC 20555-0001 and the Director, Office of Enforcement, at the same address.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice" a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,
/RA/
Frank J. Congel, Director
Office of Enforcement

cc: J.Dunn Lee, NRC/OIP
R. DeLaBarre, Dept. of State
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