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August 28, 2009

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety
United States Nuclear Regulatory Commission
Region I
475 Allendale Rd
King of Prussia, PA 19406-1415

Q-5

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Docket No. 030-19199
License No. 45-19757-01

Subject: Response to June 30, 2009 Letter – NOTICE OF VIOLATION and NRC
Inspection Report No. 030-19199/2009-001

Dear Mr. Dwyer,

This is in response to the letter from NRC dated June 30, 2009 advising additional information is needed with regard to Violation A in the Notice of Violation dated March 12, 2009. First, we wish to thank you for the extension of our response due date. Below please find the additional information requested regarding the calculation of activity of Cobalt 60 present at Best Medical International Inc. at 7643 Fullerton Road, Springfield, VA, 22153.

The inspection took place January 26,27 and February 17, 2009 and the resulting March 12 Notice of Violation letter indicated the Colbat 60 activity should be allocated at the time of receipt as compared to the time of disposal due to different rates of decay of Iridium 192 (74.3 Days) and Cobalt 60 (1925.1 Days). At the time of the inspection, the activity of Cobalt 60 was calculated on the basis of 0.6 percent of Iridium 192 activity, when the seeds were sent to waste.

As previously stated, this was acceptable in all previous NRC inspections. We do acknowledge the statement in the NRC June 30th letter that violations not being identified during an inspection does not assure licensees are in full compliance with regulatory and license requirements. However, we also assert that the NRC previous inspections of an issue should merit weight regarding not only the license holder's good faith effort to be in compliance, but also in determining the reasonableness of this reliance. After receiving the June 30 letter rejecting our April 30 letter contesting Violation A, the Colbat issue, we recalculated in accord with the NRC decision. We went back and allocated the activity of Cobalt 60 based on all of the Iridium 192 seed shipments received since the last waste disposal. Based on this method the current inventory of Cobalt 60 at this facility is 28.537Ci. This exceeds our possession limit of 15 Ci (Lic# 45-19757-01). This discrepancy in activity is a result of the difference between the previous and current method of recording.

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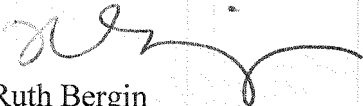
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To satisfy the findings of the NRC inspection, we plan to continue to record the activity in this new manner. We recognize this requires that possession limit be increased. Since it is our understanding the licensing authority effective March 31, 2009 is no longer NRC, but the Commonwealth of Virginia, we have submitted a letter to the Virginia governing authority for our Cobalt possession limit to be 40 Ci. Please let us know if you require further information regarding this.

We appreciate your assistance and cooperation in this matter. Please feel free to contact me should you have any questions or concerns.

Very Truly Yours,



Ruth Bergin
Senior Vice President and Counsel

Cc: Krishnan Suthanthiran, President
Billy Bass, Radiation Safety Officer