

EA-11-131

Dr. Dennis Stephenson, Ph.D.  
Assistant Director EH&S/Deputy Radiation Safety Officer  
Medical College of Georgia  
1405 Goss Lane  
Augusta, GA 30912

SUBJECT: NOTICE OF VIOLATION OF 10 CFR 110.50(b)(4): FAILURE TO NOTIFY  
IMPORTING COUNTRY OF A SHIPMENT OF SEALED SOURCES  
CONTAINING CATEGORY 2 QUANTITIES OF CS-137

Dear Dr. Stephenson:

This refers to your letter (enclosure 1) dated December 8, 2008, regarding an export of a Gammacell 1000 blood irradiator containing Category 2 quantities of Cs-137 from the Medical College of Georgia (MCG) to Best Theratronics in Canada, the import of a Gammacell 3000 from Best Theratronics to MCG, your failure to provide the U.S. Nuclear Regulatory Commission (NRC) and the Canadian Nuclear Safety Commission (CNSC) with advanced notifications for each export and import, and the actions taken to ensure that importing countries receive notification in advance of shipments to and from the United States of radioactive materials listed in Appendix P to 10 CFR Part 110. Specifically, contrary to 10 CFR 110.50(b)(4) (now 10 CFR 110.50(c)), on November 13, 2008, MCG received a Gammacell 3000 blood irradiator containing Category 2 quantities of Cs-137 from Best Theratronics Ltd., in Canada, under authority of NRC license PCB102.0, but failed to notify the NRC at least 24 hours prior to the shipment. Similarly, on October 31, 2008, MCG shipped a Gammacell 1000 blood irradiator containing Category 2 quantities of Cs-137 to Best Theratronics Ltd., in Canada, under authority of NRC license PCB105.00, but failed to notify the CNSC in advance of the shipment, and the NRC at least 24 hours prior to the shipment in violation of 10 CFR 110.50(b)(4).

Based on the information you provided in your letter, the NRC has determined that a Severity Level IV violation of the NRC requirements occurred. This violation was evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at <http://www.nrc.gov>. The violation is cited in the enclosed notice of Violation (enclosure 2) because the violation was identified by the NRC.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed in correspondence provided to the NRC dated December 8, 2008 by CHW. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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In accordance with 10 CFR 2.390 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 NRC's document system (ADAMS) accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Sincerely,

Roy P. Zimmerman, Director  
Office of Enforcement

Docket No.

Enclosures:

1. Letter dated December 8, 2008
2. Notice of Violation EA-11-131

cc: (See page 3)

D. Stephenson

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cc:

U.S. Department of Energy  
Office of Non-Proliferation Policy  
ATTN: Sean Oehlbert  
1000 Independence Avenue, SW  
Washington, DC 20585

Defense Threat Reduction Agency (OP-CSNSP)  
ATTN: Mr. David McDarby  
8725 John J. Kingman Road, MSC-6201  
Fort Belvoir, VA 22060-6201

Customs & Border Protection  
Attn: Christopher Baugues  
LSS Technical Data Assessment & Teleforensics Center  
12379 Sunrise Valley Drive, Suite C  
Reston, Virginia 20191

U.S. Department of Energy, NA-243  
Office of International Regimes and Agreements  
ATTN: Mr. Richard S. Goorevich  
1000 Independence Avenue, SW  
Washington, DC 20585

U.S. Department of Energy, NA-243  
Office of International Regimes and Agreements  
ATTN: Ms. Ingrid Bruns  
1000 Independence Avenue, SW  
Washington, DC 20585

Bureau of Industry and Security  
Office of Nuclear and Missile Technology  
ATTN: Steve Clagett  
14th Street & Penn Avenue, NW, Room 2631  
Washington, DC 20230

NAC International/Nuclear Materials Management Safeguards System  
ATTN: Peter Dessaulles  
DOE/NMMSS  
1000 Independence Ave., SW  
Washington, DC 20585-1290

Canadian Nuclear Safety Commission  
Attn: Mr. Larry Chamney  
P.O. Box 1046, Station B 280 Slater Street  
Ottawa, ON K1P 5S9  
CANADA

In accordance with 10 CFR 2.390 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 NRC's document system (ADAMS) accessible

from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Sincerely,

Roy P. Zimmerman, Director  
Office of Enforcement

Docket No.

Enclosures:

1. Letter dated December 8, 2008
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cc: (See page 3)

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L. Sreenivas, OE  
OE Case File EA-11-131  
OE Day File

Accession Nos.: ML11182A016 (Package) ML11182A018(Incoming)  
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<b>NAME</b>	L. Sreenivas	N. Hilton	A. Campbell	R. Zimmerman	
<b>DATE</b>	6/ /11	6/ /11	6/ /11	6/ /11	

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## NOTICE OF VIOLATION

Medical College of Georgia  
1405 Goss Lane  
Augusta, GA 30912

PCB102.0  
EA-11-131

Based on your letter dated December 8, 2008, a violation of NRC requirements was acknowledged. In accordance with Enforcement policy, the particular violation is set forth below:

10 CFR Part 110.50(b)(4) (now 110.50(c)) states that a licensee authorized to export or import the radioactive material listed in Appendix P to this part is responsible for notifying NRC and, in cases of exports, the government of the importing country in advance of each shipment. A list of points of contact in importing countries is available at NRC's Office of International Programs website, accessible on the NRC Public Web Site by the following links to What We Do-- International Programs. The NRC's office responsible for receiving advance notifications for all export and import shipments is the NRC Operations Center. Specific details on where to send the information will be listed in each specific export and import license. Notifications must be received by the NRC at least 7 days in advance of each shipment, to the extent practical, but in no case less than 24 hours in advance of each shipment. Notifications may be electronic or in writing on business stationery, and must contain or be accompanied by the information which follows.

(i) For export notifications:

(A) Part 110 export license number and expiration date;

(B) Name of the individual and licensee making the notification, address, and telephone number;

(C) Foreign recipient name, address, and end use location(s) (if different than recipient's address);

(D) Radionuclides and activity level in TBq, both for single and aggregate shipments;

(E) Make, model and serial number, for any Category 1 and 2 sealed sources, if available;

(F) End use in the importing country, if known;

(G) Shipment date;

(H) A copy of the foreign recipient's authorization or confirmation of that authorization from the government of the importing country as required by § 110.32(h).

Contrary to the above, on November 13, 2008, Medical College of Georgia imported Category 2 quantities of Cs-137 from Canada, under NRC export license PXB102.0, but failed to notify the NRC at least 24 hours prior to the shipment, and on October 30-31, 2008, MCG shipped a Gammacell 1000 blood irradiator containing Category 2 quantities of Cs-137 to Best Theratronics Ltd., in Canada, under authority of NRC license PCB102.0, but failed to notify both

the CNSC and the NRC prior to the shipment.  
This is a Severity Level IV violation of NRC requirements.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed in correspondence provided to the NRC dated December 8, 2008 by CHW. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the basis for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated this    day of   June                   2011