



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

October 3, 2012

Docket No. 99990001
EA-12-161

Non-Licensee

Peter Georgetti, P.E.
Director of Engineering
United International Corporation
55 Capital Blvd., 2nd Floor
Rocky Hill, CT 06067

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION: UNITED INTERNATIONAL CORPORATION

Dear Mr. Georgetti:

We are sending you this letter to document our discussions regarding your possession of portable nuclear density gauges (gauges) containing byproduct material, and to provide our conclusions regarding United International Corporation's compliance with NRC regulations for these devices. No further action or response is necessary on your part.

During a telephone conversation on July 25, 2012, between you and Scott Wilson of my staff, we learned that United International Corporation owned two portable gauges containing radium-226 sealed sources. We informed you that this material is considered byproduct material and required an NRC license to possess. We discussed the change to NRC regulations that occurred with the enactment of the Energy Policy Act of 2005 (Act), and the NRC regulations resulting from the Act, which became effective on August 7, 2009. Specifically, we indicated that, effective August 7, 2009, you were required to have an NRC license for the gauges.

We also informed you that United International Corporation needed to apply for an NRC license, transfer the gauges to an authorized licensee, or legally dispose of the gauges. You stated that you were previously unaware of the new regulation, that the gauges were in storage and had not been used for two years, and that United International Corporation would: 1) immediately secure the gauges in compliance with 10 CFR 30.34(i); 2) conduct leak tests on the sealed sources; 3) contact the Seaman Nuclear Corporation (manufacturer) to arrange for disposal of the gauges; and 4) ensure compliance with the public dose limits in 10 CFR 20.1301, "Dose limits for individual members of the public." We noted that United International Corporation transferred the material to the manufacturer, an authorized licensee, on September 6, 2012.

Based on the above information, the NRC has determined that a violation of NRC requirements occurred. The violation involved the possession of byproduct material without a specific NRC license issued in accordance with the regulations in 10 CFR Part 30. Specifically, from August 7, 2009, to September 6, 2012, United International Corporation possessed two Seaman Nuclear Corporation portable gauges, one Model C-200 and one Model C-300, containing byproduct material (radium-226 sealed sources; 4.5 millicuries each), without obtaining a specific NRC license.

This violation would normally be categorized at Severity Level IV; however, in accordance with NRC Enforcement Guidance Memorandum (EGM) 09-004, dated May 13, 2009, and with the approval of NRC's Office of Enforcement, the NRC will exercise discretion and not issue a violation. The NRC's decision is based on the criteria listed in EGM 09-004. Specifically, 1) this was the first occurrence United International Corporation was involved in after August 7, 2009, the effective date of the requirement; 2) the failure did not result in an actual safety, health, or security consequence; 3) the failure was not willful; 4) United International Corporation was unaware of the requirement; and 5) United International Corporation transferred possession of the material to Seaman Nuclear Corporation, an appropriately licensed entity, on September 6, 2012.

On September 18, 2012, Scott Wilson of my staff informed you of this conclusion by telephone.

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 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.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organization & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please note that the office of the Region I Division of Nuclear Materials Safety has moved effective May 9, 2012. Our new address is:

U. S. Nuclear Regulatory Commission
Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

P. Georgetti

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Please contact Scott Wilson at 610-337-5136 if you have any questions regarding this matter.

Sincerely,

/RA/

Raymond Lorson, Director
Division of Nuclear Materials Safety

cc:
State of Connecticut

P. Georgetti

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Please contact Scott Wilson at 610-337-5136 if you have any questions regarding this matter.

Sincerely,

/RA/

Raymond Lorson, Director
Division of Nuclear Materials Safety

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State of Connecticut

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