



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

February 12, 2013

Docket No. 03037315
15000020

License No. 20-32465-02E
MA 38-0257

EA-13-012

Brian Turk
Vice President of Operations
Bruker Detection Corporation
40 Manning Road
Billerica, MA 01821

SUBJECT: NRC INSPECTION REPORT NOS. 03037315/2012001 and 15000020/2013001,
BRUKER DETECTION CORPORATION, BILLERICA, MASSACHUSETTS SITE

Dear Mr. Turk:

On August 28, 2012, Steven Courtemanche of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license and a general license as specified in 10 CFR 150.20. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. Additional information provided in your correspondence received September 25, 2012, and during a telephone conversation conducted on January 10, 2013, between Mr. Courtemanche and yourself, Mark Beland and George Gleason of your organization, were also examined as part of the inspection. The findings of the inspection were discussed with you, Mr. Beland, and Mr. Gleason at the conclusion of the inspection, during a telephonic exit meeting held on January 10, 2013. The enclosed report presents the results of this inspection.

Based on the results of this inspection, one apparent violation was identified and is being considered for escalated enforcement in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation of 10 CFR 150.20(b)(1) involved performing a trade show demonstration from April 16, 2012, to April 21, 2012, in Indianapolis, Indiana, an area under NRC jurisdiction, without filing for reciprocity with the appropriate NRC regional office and filing the required fee (See Section III of the enclosed Report). The circumstances surrounding this apparent violation, the significance of the issue, and the need for lasting and effective corrective action were discussed with members of your staff at the inspection exit meeting at the conclusion of the inspection on January 10, 2013. As a result, it may not be necessary to conduct a predecisional enforcement conference (PEC) in order to enable the NRC to make an enforcement decision. However, a Notice of Violation is not presently being issued for this inspection finding. In addition, since you have not been the subject of escalated enforcement actions since the issuance of your license on January 8, 2007, and based on our understanding of your corrective action, a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, or (2) request a PEC. If a PEC is held, it will be open for public observation and the NRC will issue a press release to announce the time and date of the conference. If you decide to participate in a PEC, please contact Judith Joustra at 610-337-5355 within 10 days of the date of this letter. A PEC should be held within 30 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to an Apparent Violation in Inspection Report Nos. 03037315/2012001 and 15000020/2013001; EA-13-012" and should include for each apparent violation: (1) the reason for the apparent violation, or if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violation and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of the violation, and any information related to any corrective actions taken or planned to be taken. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, 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 Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <https://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 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, Organizations & 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). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

If you have any questions concerning this matter, please contact Judith Joustra of my staff at 610-337-5355.

Your cooperation with us is appreciated.

Sincerely,

/RA/

Raymond K. Lorson, Director
Division of Nuclear Materials Safety

Enclosure:

Inspection Report Nos. 03037315/2012001 and 15000020/2013001

cc:

George Gleason, Radiation Safety Officer
Commonwealth of Massachusetts

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Sincerely,

/RA/

Raymond K. Lorson, Director
Division of Nuclear Materials Safety

Enclosures:

1. Inspection Report Nos. 03037315/2012001 and 15000020/2013001
2. NUREG 1600 (Enforcement Policy)

cc:

George Gleason, Radiation Safety Officer
Commonwealth of Massachusetts

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