



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

July 10, 2013

Docket No. 03035435

License No. 07-30584-01

Eric Solon
Radiation Safety Officer
QPS, LLC
Delaware Technology Park
3 Innovation Way, Suite 240
Newark, DE 19711

SUBJECT: NRC INSPECTION REPORT NO. 03035435/2013001, QPS, LLC, DELAWARE TECHNOLOGY PARK, NEWARK, DELAWARE AND NOTICE OF VIOLATION

Dear Dr. Solon:

On June 24, 2013, Dennis Lawyer of this office conducted a safety inspection at the above address, 1 Innovation Way, Suite 200, and 110 Executive Drive, Suite 7, Newark, Delaware of activities authorized by the above listed NRC license. 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 dated June 25, 2013, and the telephone conversation on July 9, 2013, between you and this office were also examined as part of the inspection. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to perform a radiation safety program and implementation review at least annually.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

During our inspection exit meeting on July 9, 2013, you indicated you have taken corrective and preventative actions to address this violation and that QPS, LLC is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Further, you stated that you have committed better support to the QPS Radiation Safety Officer to complete the annual Radioactive Material Program Audits within each calendar year. You are currently arranging a list of support personnel to assist in conducting and completing the 2013 Annual Audit, and it will be completed by the end of August 2013.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response 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, 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).

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.

Please contact Dennis Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

Original signed by Todd J. Jackson, CHP for

Judith A. Joustra, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc: State of Delaware

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Enclosure:
Notice of Violation

cc: State of Delaware

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NAME	DLawyer/dl		JJoustra/tj f/				
DATE	7/10/2013		7/10/2013				

NOTICE OF VIOLATION

QPS, LLC
Newark, DE

Docket No. 03035435
License No. 07-30584-01

During an NRC inspection conducted on June 24, 2013, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 20.1101(c) states, "The licensee shall periodically (at least annually) review the radiation protection program content and implementation."

Contrary to the above, as of June 24, 2013, the licensee did not periodically (at least annually) review the radiation protection program content and implementation. Specifically, the program review was completed on November 28, 2007; October 18, 2010; and February 14, 2012, for two periods which exceeds annually.

This is a Severity Level IV violation (Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, QPS, LLC is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the 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 previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Notice of Violation
QPS, LLC

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 10 day of July 2013