

January 14, 2016

EA-15-220

Mr. John Ernst
Missouri University Research Reactor
1513 Research Park
Columbia, MO 65211

SUBJECT: FAILURE TO PROPERLY NOTIFY U.S. NUCLEAR REGULATORY
COMMISSION IN ADVANCE OF EXPORT SHIPMENT AND NOTICE OF
VIOLATION

Dear Mr. Ernst:

This letter refers to the review of a Missouri University Research Reactor (MURR) Advanced Notification associated with the export of a Category 2 quantity of iridium-192 (Ir-192) to Belgium. Title 10 of the *Code of Federal Regulations* (10 CFR) Section 110.50(c) requires, in part, that a licensee authorized to export or import the radioactive material listed in Appendix P to 10 CFR Part 110 is responsible for notifying the NRC and, in cases of exports, the government of the importing country in advance of each shipment. In accordance with 10 CFR Part 110.50(c)(4), export notifications must be received by the NRC at least 7 days in advance of each shipment, to the extent practicable, but in no case less than 24 hours in advance of each shipment.

Based on the information developed during our review of this activity, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. Specifically, on August 3, 2015, MURR notified the NRC of its intent to export a Category 2 quantity of Ir-192 to Belgium. That export was shipped on August 3, 2015. The export notification provided by MURR was not submitted at least 24 hours in advance of each shipment and is identified as an example of a violation of 10 CFR 110.50(c).

The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is available on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) because all of the criteria in Section 2.3.2 of the NRC Enforcement Policy were not met in that MURR did not identify the violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response. The NRC will use your response, in part, to determine whether or not further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures and your response will be made available electronically for public inspection in the

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Public Document Room or from the NRC's document system Agencywide Documents Access and Management System 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 or proprietary 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, 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 information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases 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).

Please contact Andrea R. Jones at (301) 415-2309 if you have any questions regarding this matter.

Sincerely,

/RA/

Nick D. Hilton, Chief
Enforcement Branch
Office of Enforcement

Enclosure: Notice of Violation

cc: State of Missouri

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NOTICE OF VIOLATION

Missouri University Research Reactor
Columbia, MO

EA-15-220

During an U.S. Nuclear Regulatory Commission (NRC) review completed on August 3, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Section 110.50(c) of Title 10 of the *Code of Federal Regulations* (10 CFR) requires, in part, that a licensee authorized to export or import the radioactive material listed in Appendix P to 10 CFR Part 110 is responsible for notifying the NRC and in cases of exports, the government of the importing country in advance of each shipment.

Section 110.50(c)(4) of 10 CFR requires, in part, that export notifications must be received by the NRC at least 7 days in advance of each shipment, to the extent practicable, but in no case less than 24 hours in advance of each shipment.

Contrary to the above, on August 3, 2015, Missouri University Research Reactor (MURR) failed to notify the NRC in advance of an export shipment as required by NRC regulations. Specifically on August 3, 2015, MURR notified the NRC of the intent to export a Category 2 quantity of iridium-192 to Belgium. The export was shipped on August 3, 2015. The notification provided by MURR was not submitted at least 24 hours in advance of the shipment.

This is a Severity Level IV violation (NRC Enforcement Policy, Section 6.15)

Pursuant to the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) 2.201, MURR is hereby required to submit a written statement or explanation to the Director, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, within 30 days of the date of this Notice of Violation. This reply should be clearly marked as a "Reply to a Notice of Violation (EA-15-220)" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) any additional corrective steps that will be taken; and (4) the date when full compliance will be or was 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, the NRC may issue an Order or a Demand for Information requiring you to explain why your 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, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," your response will be made available electronically for public inspection in the NRC Public Document Room or from the

Enclosure

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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days of receipt.

Dated this 14th day of January, 2016

J. Ernst

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cc:

John Langston

Missouri Radiation Control Program
Bureau of Ambulatory Care
Division of Regulation and Licensure
1617 Southridge, P.O. Box 570
Jefferson City, MO 65102-0570