

December 14, 2016

EA-16-228

Mr. Michael Fuller  
Regulatory Compliance Associates  
QSA Global, Inc.  
40 North Avenue  
Burlington, MA 01803

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

Dear Mr. Fuller:

This letter refers to a review of a QSA Global (QSA) Advanced Notification associated with the import of Category 2 quantity of iridium-192 (Ir-192) and Category 3 quantity of Selenium-75 (Se-75) from Azerbaijan. Title 10 of the *Code of Federal Regulations* (10 CFR) Section 110.50© states, in part, that a licensee authorized to export or import radioactive material listed in Appendix P to 10 CFR Part 110 is responsible for notifying the NRC in advance of each shipment. In accordance with 10 CFR 110.50©(4), import notifications must be received by the NRC at least 7 days in advance of each shipment. A telephone exit was conducted with Ms. Stephanie Burgess of your organization on August 29, 2016.

On July 18, 2016, QSA submitted an import notification form notifying the NRC of its intent to import a Category 2 quantity of Ir-192 and a Category 3 quantity of Se-75 from Azerbaijan. Two sources were expected to be shipped on July 25, 2016. However, on July 20, 2016, QSA informed the NRC that the import was received at their Burlington site five days earlier, on July 20, 2016. Thus, the import notification provided by QSA was not submitted at least 7 days in advance of the shipment as required by 10 CFR 110.50©. QSA's failure to provide timely and accurate information did not allow the NRC sufficient time to perform its review, which could have had significant implications for public health and safety or common defense and security.

Based on the information developed during the review of this activity, the NRC determined that a Severity Level IV violation of NRC requirements occurred. 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 the violation was repetitive (an NOV was issued to QSA on May 25, 2016, for the same violation), and it appears that your previously committed corrective actions were not adequate enough to stop the violation from happening again.

Therefore, 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.

M. Fuller

- 2 -

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosures and your response will be made available electronically for public inspection in the 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 301-287-9072 if you have any questions regarding this matter.

Sincerely,

*/RA/*

Peter Habighorst, Chief  
Export Controls Nonproliferation Branch  
Office of International Programs

Enclosure:  
Notice of Violation

cc: State of Massachusetts

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Peter Habighorst, Chief  
 Export Controls Nonproliferation Branch  
 Office of International Programs

Enclosure:  
 Notice of Violation

cc: State of Massachusetts

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## NOTICE OF VIOLATION

QSA Global  
Burlington, MA

EA-16-228

During a U.S. Nuclear Regulatory Commission (NRC) review completed on July 20, 2016, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 110.50(c)(4) states that a licensee authorized to import the radioactive material listed in Appendix P to 10 CFR Part 110 is responsible for notifying the NRC in advance of each shipment. In accordance with 10 CFR 110.50(c)(4), import notifications must be received by the NRC at least 7 days in advance of each shipment.

Contrary to the above, QSA Global (QSA) failed to notify the NRC in advance of an import shipment as required by NRC regulations. Specifically, on July 18, 2016, QSA submitted an import notification to the NRC of its intent to import 4.4 TBq of iridium (Ir-192) and 1.6 TBq of Serium-75 (Se-75) from Azerbaijan with an expected shipment date of July 25, 2016. However, on July 20, 2016, QSA informed the NRC that the import was received at their site five days earlier, on July 20, 2016, which is less than 7 days in advance of the shipment. Ir-192 and Se-75 are listed in Appendix P to 10 CFR Part 110.

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

Pursuant to the provisions of 10 CFR 2.201, QSA 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-16-228)" 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, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document 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, 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 14<sup>th</sup> day of December 2016.