



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

March 7, 2017

Jay Gupta, Director
Plus, LLC
733 Summer Street, Suite 506
Stamford, CT 06901

SUBJECT: NRC INSPECTION REPORT NO. 03038780/2017001, PLUS, LLC, STAMFORD, CONNECTICUT AND NOTICE OF VIOLATION

Dear Mr. Gupta:

On January 23, 2017, Dennis Lawyer of this office conducted a special inspection at your facility to follow-up on an NRC Order issued to you on August 8, 2016 [ADAMS ML16215A471]. This letter provides the results of the inspection of your NRC possession license 06-35183-01. The results of the inspection of your exempt distribution license, 06-35274-01E, will be provided by separate correspondence.

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 January 27, 30, and February 7, 2017, and the telephone conversation on February 7 and 22, 2017, 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.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that two violations of NRC requirements occurred. The violations involved: 1) the failure to ship material in accordance with Department of Transportation regulations and 2) the failure to perform surveys on a semi-annual frequency.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

During our inspection exit meeting on February 22, 2017, you stated that you have taken the following corrective and preventative actions:

- 1) Hazmat training was completed and proper labeling for required shipments have been implemented by February 10, 2017; and
- 2) Surveys were performed on January 27, 2017, and a task tracking system has been implemented to prompt for the next required survey.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in our records. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter does not accurately reflect your corrective

actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, 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 Web Site 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 Web Site 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/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 regarding this matter, please contact Dennis Lawyer of my staff at 610-337-5366 or via electronic mail at dennis.lawyer@nrc.gov.

Thank you for your cooperation.

Sincerely,



Blake D. Welling, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 03038780
License No. 06-35183-01

Enclosure:
Notice of Violation

cc w/Enclosure: State of Connecticut

NOTICE OF VIOLATION

Plus, LLC
Stamford, CT

Docket No. 030-38780
License No. 06-35183-01

During an NRC inspection conducted on January 23 – February 22, 2017, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 71.5(a) requires, in part, that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 107, 171-180, and 390-397.

49 CFR Part 173.422 requires, in part, that an excepted package of Class 7 material that is prepared for shipment requires to be marked with the four digit UN identification number for the material preceded by the letters UN and the training requirement of Subpart H of Part 172 of this subchapter applies.

Title 49 CFR, Part 172, Subpart H, requires in 49 CFR 172.702(a) that a hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in the subpart.

Contrary to the above, the licensee delivered licensed material to a carrier for transport and did not prepare an excepted package of material labeled with the four digit UN identification number for the material and personnel preparing the packages had obtained the training required in Subpart H of Part 172 of the subchapter. Specifically, on January 7, March 18, June 26, July 19, December 4, and December 8, 2016, the licensee offered for shipment greater than 27 millicuries of tritium in watches in a single package and had not identified the shipment with UN 2911 nor had personnel preparing packages been provided the training as required in Subpart H of Part 172.

This is a Severity Level IV violation (Enforcement Policy Section 6.8).

- B. License Condition 16 of byproduct material license 06-35183-01, requires, in part, that the licensee shall conduct its program in accordance with the statement, representations, and procedures contained in the documents, including any enclosures in the letter dated January 1, 2015.

Item 1 of the section titled, "Health Physics Assistance" of the January 1, 2015, letter states that semi-annual routine surveys will be performed of areas where radioactive materials (watches) are stored/packaged/handled.

Contrary to the above, the licensee did not perform semi-annual routine surveys of areas where radioactive materials are stored/packaged/handled. Specifically, as of January 23, 2017, the licensee last performed an area survey on January 25, 2016, a period exceeding semi-annually.

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

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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).

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.

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

Dated This 7th day of March 2017