

May 21, 2018

EA-18-058

Mr. Kevin Schehr  
ISOFLEX Radioactive, LLC  
108 Teal Street  
St. Rose, LA 70087

SUBJECT: FAILURE TO PROPERLY NOTIFY THE U.S. NUCLEAR REGULATORY  
COMMISSION IN ADVANCE OF IMPORT SHIPMENTS – NON-CITED  
VIOLATION

Dear Mr. Schehr:

This letter refers to a review of two ISOFLEX Radioactive, LLC (ISO-RAD) imports of Category 2 quantity of iridium-192 (Ir-192) from the United Kingdom to ISO-RAD located in St. Rose, Louisiana. 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 U.S. Nuclear Regulatory Commission (NRC) in advance of each shipment. In accordance with 10 CFR 110.50©(4), import notifications must be received by the NRC at least seven days in advance of each shipment. The results of this review were discussed with you on May 10, 2018, by two members of my staff, Stephen Baker and Jane Chimood.

Based on the information provided, the NRC has determined that Severity Level IV violations of NRC requirements occurred. Specifically, on April 30, 2018, ISO-RAD submitted two Shipping Notifications (notifications), (Agencywide Documents Access and Management System (ADAMS), Accession No. ML18137A177), to notify the NRC of its two instances of importing Category 2 quantity of Ir-192. They were both from the United Kingdom, one on April 24, 2018, and the other on April 30, 2018, respectively. Thus, the notification for the first shipment was submitted 13 days late and the notification for the second shipment was submitted 7 days late. In the e-mails transmitting both notifications, ISO-RAD self-disclosed that the notifications were late because ISO-RAD erroneously thought that only Category 1 shipments required advanced import notification.

In a follow up email dated May 10, 2018, ADAMS Accession No. ML18134A053, ISO-RAD stated that as a result of the failure to submit the notifications in a timely manner, it has immediately taken corrective actions to: 1) revise its procedure to update the import and export notification requirements; and 2) complete new procedures to devote exclusively import and export activities including notifications, NRC contact numbers, log for NRC Notification Reference Numbers, the use of NRC Forms to make notifications, and many other pertinent details to ensure the proper import and export of radioactive materials. ISO-RAD concluded in the email that its personnel understand the importance and significance of the notification submission and are committed to getting it processed correctly. Based on the information exchanged with ISO-RAD during our review of these activities, the NRC determined that ISO-RAD failed to submit two advanced notifications at least seven days in advance of the shipments, as required by 10 CFR 110.50©. ISO-RAD's failure to provide timely 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.

This 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/aboutnrc/regulatory/enforcement/enforce-pol.html>. The violation is being treated as a non-cited violation (NCV) because all the criteria in Section 2.3.2 of the NRC's Enforcement Policy are met: (1) you identified the violation, (2) you initiated prompt and comprehensive corrective actions to prevent recurrence as documented in your email dated May 10, 2018, (3) the violation was not repetitive as a result of inadequate corrective actions, and (4) the violation was not willful.

If you contest the violation or significance of this NCV, you should provide a response within 30 days of the date of this report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the Deputy Director, Office of International Programs, and Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, 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 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 or proprietary information so that it can be made available to the Public without redaction.

Please contact Ms. Chimood at (301) 287-9225 if you have any questions regarding this matter.

Sincerely,

*/RA/*

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

cc:  
J. Dauzat

K. Schehr

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SUBJECT: FAILURE TO PROPERLY NOTIFY THE U.S. NUCLEAR REGULATORY COMMISSION IN ADVANCE OF IMPORT SHIPMENT AND -NON-CITED VIOLATION: DATED MAY 21, 2018

**DISTRIBUTION:**

DSkeen, OIP  
RFretz, OE

PHabighorst, OIP

AJones, OIP

**ADAMS Accession Number: ML18136A561**

<b>OFFICE</b>	OIP/ECNP	OIP/ECNP	OE	BC:OIP/ECNP
<b>NAME</b>	JChimood	AJones	RFretz	PHabighorst
<b>DATE</b>	5/17/18	5/17/18	5/18/18	5/21/18

**OFFICIAL RECORD COPY**

K. Schehr

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