



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

August 21, 2012

Docket No. 03037620  
EA-12-120

License No. 45-31299-01

Ruth Bergin  
Counsel and Senior Vice President  
Best Theratronics Ltd.  
7643 Fullerton Road  
Springfield, VA 22153

SUBJECT: NRC INSPECTION REPORT NO. 03037620/2009002, BEST THERATRONICS LTD., OTTAWA, ONTARIO, CANADA SITE

Dear Ms. Bergin:

On December 15, 2009, Dennis Lawyer and Orysia Masnyk Bailey of this office conducted a safety and security inspection at the Best Theratronics, Ltd. (Best) manufacturing and distribution facility in Ottawa, Ontario, Canada of activities authorized by the above listed NRC license. The inspection examined activities conducted under your license as they related to safety, common defense and security, and to compliance with NRC requirements. Within these areas, the inspectors reviewed selected procedures and records, observed activities, and interviewed personnel. The referenced inspection report presents the results of this inspection, which were discussed with you on June 22, 2011, at your Springfield facility and briefly summarized during the final inspection exit conducted on July 23, 2012.

Based on the results of this inspection, the NRC identified one or more apparent security-related violation(s) that is/are being considered for escalated enforcement in accordance with current NRC Enforcement Policy. The NRC Enforcement Policy is available on the NRC Website at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html). Because the violation(s) involve security-related information, the details are provided in a non-public inspection report forwarded by separate, non-public correspondence.

The circumstances surrounding the apparent violation(s), the significance of the issue(s), and the need for lasting and effective corrective action(s) were discussed with members of your staff on June 22, 2011, and July 23, 2012. Subsequent to the inspection you implemented corrective action(s) that effectively resolved the apparent violation(s). As a result, it may not be necessary to conduct a pre-decisional enforcement conference (PEC) in order to enable the NRC to make an enforcement decision. In addition, since your facility has not been the subject of escalated enforcement actions within the last two inspections, and based on our understanding of your corrective actions(s), a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy.

Before the NRC makes its enforcement decision, we are providing you an opportunity to:  
(1) respond to the apparent violation(s) addressed in this inspection report within 30 days of the date of the letter transmitting the inspection report, or (2) request a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violation(s) and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: information to determine whether any violation(s) occurred, information to determine the significance of any violation(s), information related to the identification of any violation(s), and information related to any corrective action(s) taken or planned to be taken. In presenting your corrective action(s), you should be aware that the promptness and comprehensiveness of your action(s) will be considered in assessing any civil penalty for the apparent violation(s).

If a PEC is held, the NRC will issue a press release to announce the time and date of the conference, however it will be closed to public observation since security-related information will be discussed. If you decide to participate in a PEC, please contact Judith A. Joustra at (610) 337-5355 within 10 days of the date of this letter. A PEC should be held within 30 days of the date of the letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violation(s) in Inspection Report No. 03037620/2009002; EA 12-120" and should include (1) the reason for the apparent violation(s), or, if contested, the basis for disputing the apparent violation(s); (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 previously docketed correspondence, if the correspondence adequately addresses the required response.

If you choose to provide a written response, please mark your entire response "Security Related Information-Withhold from Public Disclosure under 10 CFR 2.390," provided your response does not contain Safeguards Information. In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response to this letter. However to the extent possible, your response should not indicate any personal privacy, proprietary, or Safeguards Information. If you must include Safeguards Information, follow 10 CFR 73.23 requirements.

Unauthorized disclosure of SGI-M is considered by the NRC to be a serious breach of adequate protection of the public health and safety and the common defense and security of the United States and therefore is subject to civil and criminal penalties. Each licensee must protect this information as specified in "Protection Requirements for Safeguards Information – Modified Handling (SGI-M)." Safeguards Information – Modified must only be revealed to individuals that have a need to know and whom the licensee has determined to be trustworthy and reliable.

If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision. In addition, please be advised that the number and characterization of apparent violation(s) may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://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](http://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

R. Bergin

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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).

Please note that the office of the Region I Division of Nuclear Materials Safety has moved effective May 9, 2012. Our new address is:

U. S. Nuclear Regulatory Commission  
Region I  
2100 Renaissance Blvd, Suite 100  
King of Prussia, PA 19406-2713

Additionally, please note that 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,  
**/RA D.S. Collins for/**

Raymond K. Lorson, Director  
Division of Nuclear Materials Safety

Enclosure:  
Excerpt from NRC Information Notice 96-28

cc:  
Commonwealth of Virginia

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Raymond K. Lorson, Director  
Division of Nuclear Materials Safety

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Excerpt from NRC Information Notice 96-28

cc:  
Commonwealth of Virginia

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