

May 7, 2015

EA-15-085

Mr. Mike Fuller  
Manager, Regulatory Affairs/Quality Assurance  
QSA Global, Inc.  
40 North Avenue  
Burlington, MA 01803

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

Dear Mr. Fuller:

This letter refers to a review of four QSA Global Inc. (QSA), Advanced Notifications associated with 1) the import of 2.45 TBq iridium-192 from Netherlands Antilles, 2) the import of 2,733 TBq of iridium-192 from the Netherlands, 3) the import of 2.68 TBq of selenium-75 from the Republic of Korea, and 4) the export of 8.88 TBq of iridium-192 to Canada. QSA failed to submit Advanced Notifications of the imports and export to the U.S. Nuclear Regulatory Commission (NRC) in advance of each shipment in accordance with NRC regulations. 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 110.50(c)(3)(i)(H), the export notification must contain a copy of the foreign recipient's authorization or confirmation of that authorization from the government of the importing country. 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.

Based on the information developed during our review of these activities, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. Specifically, on February 3, 2015, QSA notified the NRC of its intent to import 2,733 TBq of iridium-192 from the Netherlands. That import was shipped on February 6, 2015. Additionally, on March 20, 2015, QSA notified the NRC of its intent to import 2.45 TBq of iridium-192 from Netherlands Antilles. That import was shipped on March 20, 2015. Lastly, on April 9, 2015, QSA notified the NRC of its intent to import 2.68 TBq of selenium-75 from the Republic of Korea. That import was shipped on April 9, 2015. In all three instances, the import notifications provided by QSA were not submitted 7 days in advance of the shipments and were identified as three examples of a violation of 10 CFR 110.50(c).

On March 12, 2015, QSA notified the NRC of its intent to export 8.88 TBq of iridium-192 to Canada. The notification provided by QSA failed to contain a copy of the foreign recipient's authorization, or confirmation of that authorization from the government of the importing country, which demonstrated that the recipient was authorized to possess iridium-192. The export was shipped on March 13, 2015. The inadequate export notification provided by QSA was 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 on the NRC Enforcement Policy were not met in that QSA did not identify the violations.

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 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 Brooke G. Smith at (301) 415-2347 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 Massachusetts

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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.

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Please contact Brooke G. Smith at (301) 415-2347 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 Massachusetts

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**ADAMS Accession Number: ML15114A181**

**\*via email**

OFFICE	OIP	OIP	BC:ECNP/OIP	OE	OE
NAME	SBaker	JCruz	BSmith	RFretz	NHilton
DATE	4/13/15	4/13/15	4/17/15	4/24/15	5/7/15

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## NOTICE OF VIOLATION

QSA Global, Inc.  
Burlington, MA

EA-15-085

During an U.S. Nuclear Regulatory Commission (NRC) review completed on April 9, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. 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 in advance of each shipment. Section 110.50(c) also 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 110.50(c)(3)(i)(H), the notification must contain a copy of the foreign recipient's authorization or confirmation of that authorization from the government of the importing country. 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, between February 3, 2015 and April 9, 2015, QSA Global, Inc. (QSA) failed to notify the NRC in advance of four import/export shipments as required by NRC regulations. Specifically:

1. On February 3, 2015, QSA notified the NRC of the intent to import 2,733 TBq of iridium-192 from The Netherlands. The import was shipped on February 6, 2015. The notification provided by QSA was not submitted 7 days in advance of the shipment.
2. On March 20, 2015, QSA notified the NRC of the intent to import 2.45 TBq of iridium-192 from the Netherlands Antilles. The import was shipped on March 20, 2015. The notification provided by QSA was not submitted 7 days in advance of the shipment.
3. On April 9, 2015, QSA notified the NRC of the intent to import 2.68 TBq of selenium-75 from the Republic of Korea. The import was shipped on April 9, 2015. The notification provided by QSA was not submitted 7 days in advance of the shipment.
4. On March 12, 2015, QSA notified the NRC of its intent to export 8.8 TBq of iridium-192 to Canada. The notification provided by QSA failed to contain a copy of the foreign recipient's authorization, or confirmation of that authorization from the government of the importing country. The export was shipped on March 13, 2015. Iridium-192 is 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 Title 10 of the *Code of Federal Regulations* (10 CFR) 2.201, QSA Global, Inc., 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-15-085)" 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 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 7<sup>th</sup> day of May 2015