



29 November 2017

Deputy Director  
Office of International Programs  
US Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852

Re: Voluntary Self-Disclosure of Apparent Violation (10 CFR Part 110);  
Report Required by General License (10 CFR §110.23(a) and §110.54(b))

To Whom It May Concern :

Mirion Technologies (Canberra), Inc. is a Delaware corporation, headquartered in Meriden, Connecticut, and with a local office in Oak Ridge, Tennessee. Mirion is submitting this voluntary self-disclosure of an apparent violation of 10 CFR Part 110, and a report of exports required by 10 CFR §110.23(a) and §110.54(b).

Mirion is a manufacturer of a wide variety of radiation detection, measurement, analysis and monitoring equipment used in the nuclear power industry, energy laboratories, in health care, and defense and homeland security applications in the United States and other nations. Certain Mirion equipment use small sealed radioactive “sources” for calibration purposes including Americium-241 by-product material.

Mirion is reporting a failure to meet reporting requirements that are a condition of the general export license in 10 CFR §110.23(a). Mirion exported multiple Americium-241 “sources” to customers between 2012 and 2016, without reporting such exports to the NRC. Based on the information provided herein, Mirion requests that the Nuclear Regulatory Commission (NRC) allow it to submit the Report of Americium-241 Exports Made Under a General License, attached hereto as Exhibit A, outside the deadline provided by 10 CFR §110.54(b). The report of these exports, Exhibit A, covers the period 2012 through 2016.

As described below, the violation that Mirion self-identified was inadvertent, Mirion has taken steps to correct the violation and to ensure future compliance, and Mirion does not believe that the failure to submit the required report within the applicable deadlines impeded or influenced any regulatory action or otherwise resulted in a safety or security consequence.

This self-disclosure is a result of an investigation as to the facts and circumstances of the apparent violation, including interviews of the relevant persons involved.

## **1. The Violation**

Exports of Americium-241 are subject to the jurisdiction of the NRC, as described in 10 CFR §110.23(a) and Appendix L and Appendix P to 10 CFR 110.

Between 2012 and 2016, Mirion failed to file annual reports of its exports of Americium-241, pursuant to the general license provided by 10 CFR §110.23(a), and as required by §110.54(c). These exports were to a variety of customers, in a variety of nations, as described more fully on Exhibit A, attached.

In each instance, the exports of Americium-241 were within scope of the general license of §110.23(a), in their quantity, their use and their destination. The violation was solely the failure to submit an annual report to the NRC within the applicable deadline.

As explained below, the failure to submit the reports within the applicable deadline was inadvertent, and Mirion has enacted procedures to ensure timely future reporting to the NRC of all exports made pursuant to the export general license.

## **2. Reasons for the Violation**

Mirion has designated specific persons to function as site export control coordinators at each of its locations, including Meriden and Oak Ridge. These site export control coordinators manage compliance with export laws and regulations, in conjunction with Mirion's in-house legal staff and outside counsel. The Meriden and Oak Ridge locations were formerly part of Canberra Industries, Inc., a separate company which was acquired by Mirion in 2016.

In this instance, the failure to file annual reports pursuant to 10 CFR §§ 110.23(a) and 110.54(c) was due to a lack of compliance awareness training at the site level, which resulted failure to identify the exports of Americium-241 as being subject to annual reporting.

The compliance violation came to light as part of a comprehensive review of export control policies and transactions conducted by Mirion's compliance personnel as part of the post-acquisition implementation of the Mirion Export Control Management Program at the Meriden and Oak Ridge sites. The misunderstanding was revealed as relevant employees started to take in-depth look at product classifications and related export jurisdictions.

## **3. Corrective Actions**

Mirion has promptly self-disclosed the violation.

Mirion has informed all site export control coordinators of the need for an annual report, regardless of the quantity of Americium-241. Mirion has reexamined its export control procedures, and made corrective changes to its export controls procedures at the relevant locations in Oak Ridge and Meriden.

Mirion will continue to review and expand its training procedures for its employees, in particular its site export control coordinators, and will continue to diligently work to ensure no violations re-occur. Mirion believes that these steps will ensure that future reports of exports of Americium-241 pursuant to the 10 CFR § 110.23(a) general license provision will be submitted to the NRC in a timely fashion.

## **4. Why No Penalty is Warranted**

Pursuant the factors set forth under the NRC Enforcement Policy, Mirion respectfully submits that no penalty is justified in this matter, and that it should be resolved as a non-cited or minor violation, without further adverse action.

First, Mirion has voluntarily self-reported the violation to the NRC, with the participation and support of Mirion's management.

Second, Mirion promptly initiated corrective actions, including staff training and a reexamination and revision of its export control procedures.

Third, although Mirion has disclosed failures to file reports that span from 2012-2016 these are not repetitive, in that no further violations have occurred since the discovery of the issue.

Fourth, the investigation found that this violation was inadvertent, and not willful.

Mirion respectfully submits that this violation has not impeded or influenced any regulatory action or resulted in a safety or security consequence .

If you have any questions regarding this self-disclosure, please contact the undersigned at [elee@mirion.com](mailto:elee@mirion.com) or (925) 498-6339.

Sincerely,



Emmanuelle Lee, Esq.  
Deputy General Counsel  
Mirion Technologies (Canberra), Inc.