



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 EAST LAMAR BOULEVARD  
ARLINGTON, TEXAS 76011-4511

January 10, 2020

Ms. Sarah Wolf  
Analytical Laboratory Senior Manager  
Radiation Safety Officer  
Avent, Inc.  
6620 South Memorial Place, Suite 100  
Tucson, Arizona 85756

SUBJECT: NRC INSPECTION 030-38147/2019-001 AND NOTICE OF VIOLATION

Dear Ms. Wolf:

This letter refers to the announced inspection conducted on October 22, 2019, at your facility in Tucson, Arizona, with in-office reviews through December 11, 2019. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel.

The preliminary inspection findings were discussed with you, Ms. Jessica Brittain, Analytical Laboratory Team Leader, and Ms. Alzira Da Silva Martins, Senior Quality Manager, at the conclusion of the onsite portion of the inspection on October 22, 2019. A final telephonic exit briefing was conducted with you on December 16, 2019.

Based on the results of this inspection, the NRC has determined two Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited and described in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection. The violations involved the failure to file a summary of the distribution of exempt radioactive materials and the failure to provide complete and accurate information regarding the distribution of exempt radioactive materials.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful in preparing your response. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. Information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. The NRC review of your response to the Notice will also determine

whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason vonEhr at 817-200-1186, or the undersigned at 817-200-1455.

Sincerely,

/RA/

Patricia A. Silva, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket: 030-38147  
License: 10-23980-01E

Enclosure:  
Notice of Violation (Notice)

cc:  
Brian Goretzki, Chief  
State of Arizona Radiation Control

## NRC INSPECTION REPORT 030-38147/2019-001 - DATED January 10, 2020

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## NOTICE OF VIOLATION

Avent, Inc.  
Tucson, Arizona

Docket No. 030-38147  
License No. 10-23980-01E

During an NRC inspection conducted on October 22, 2019, with in-office review through December 11, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A) 10 CFR 32.20(d) requires, in part, that the licensee shall file a summary report with the Director of the Office of Nuclear Material Safety and Safeguards by an appropriate method listed in 10 CFR 30.6(a). The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year.

Contrary to the above, from February 1, 2019 through October 22, 2019, the licensee failed to file a summary report with the Director of the Office of Nuclear Material Safety and Safeguards by an appropriate method listed in 10 CFR 30.6(a), covering the preceding calendar year. Specifically, the licensee distributed 1.08 microcuries of carbon-14 scintillation standards, representing approximately 24 kits, in calendar year 2018 as authorized by its NRC license and failed to provide a summary report to the NRC by January 31, 2019. As of the date of the announced NRC inspection on October 22, 2019, no report was received by the NRC.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.9.d)

- B) 10 CFR 30.9 requires, in part, that information provided to the Commission by an applicant for a license or by a licensee shall be complete and accurate in all material respects.

10 CFR 32.20 requires, in part, that the licensee shall file a summary report with the Director of the Office of Nuclear Material Safety and Safeguards, and for each radionuclide in each form, the report shall indicate the total quantity of each radionuclide in physical form, transferred under the specific license.

Contrary to the above, in letters dated March 3, 2016, January 18, 2017, and January 30, 2018, the licensee failed to provide information to the Commission that was complete and accurate in all material respects. Specifically, in exempt distribution annual summary reports noted above provided to the NRC in accordance with 10 CFR 32.20, the licensee failed to include the distribution of exempt radioactive materials that were distributed under 10 CFR 32.18, namely the licensee's carbon-14 scintillation standards, therefore making the resultant distribution summary reports incomplete and inaccurate.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.9.d)

Pursuant to the provisions of 10 CFR 2.201, Avent, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violations, or, if contested, the basis for

Enclosure

disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be 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, an order or a Demand for Information may be issued requiring information as to why the 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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site 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, then 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 material, 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).

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days of receipt.

Dated this 10<sup>th</sup> day of January 2020