



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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NRC TO HOLD CONFERENCE ON MARCH 7 WITH MASSACHUSETTS FIRM OVER USE, STORAGE OF DEVICES IN NRC JURISDICTIONS OUTSIDE OF STATE

Nuclear Regulatory Commission staff will meet with representatives of a Wilmington, Mass., company on March 7 to discuss an apparent violation of agency regulations involving the use and storage of devices containing nuclear materials in locations outside of Massachusetts that are subject to NRC jurisdiction.

The meeting with Morpho Detection, Inc. (MDI) is scheduled to begin at 10 a.m. at the NRC's Region I Office, located at 475 Allendale Road in King of Prussia, Pa. Members of the public are invited to observe the session and will have an opportunity to communicate with NRC staff regarding the subject following the meeting with the company.

MDI is a manufacturer of explosive-detection systems used in airport security and border control. It is authorized by the NRC to distribute ion mobility spectrometer devices containing licensed nuclear material, but the firm's NRC license does not permit the possession or use of the devices. Rather, MDI holds a license from Massachusetts allowing the possession and use of nuclear material within that state, including the use of the devices for promotional purposes at temporary job sites throughout the commonwealth. (Massachusetts, like many other states, has an agreement with the NRC whereby it licenses the possession and use of nuclear materials within its borders that would otherwise be regulated by the NRC.)

In May 2011, MDI's Radiation Safety Officer contacted the NRC to inquire about performing work in states under the agency's jurisdiction. Companies licensed by a state or states are required to notify the NRC when they will be performing work using nuclear materials in non-Agreement States, which is called filing for reciprocity. During an inspection at MDI's offices on Aug. 4, 2011, an NRC inspector reviewed the company's work activities and found that MDI was unable to present a complete set of NRC-approved documentation of reciprocity filings for activities conducted between 2007 and 2011.

Subsequently, MDI conducted an internal review of product shipments and uses at temporary job sites outside of Massachusetts and determined that NRC reciprocity requirements had been misinterpreted by company staff. Further, the review indicated that about 60

specifically licensed units had been shipped to locations within NRC jurisdiction since 2007 without MDI having filed for reciprocity with the NRC. Those locations were in four states and the District of Columbia.

In a letter dated Jan. 27, 2012, the NRC notified MDI that its failure to file for reciprocity, as required, on those approximately 60 occasions between Oct. 8, 2007, and March 28, 2011, constituted an apparent violation of NRC requirements.

The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. Rather, the conference is being held to obtain information to assist the NRC in making an enforcement decision.

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