



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 26, 2019

EA-2019-058

Mr. James Elrod  
Radiation Safety Officer  
Baker Hughes Oilfield Operations, Inc.  
2001 Rankin Road  
Houston, TX 77073

SUBJECT: FAILURE TO PROPERLY NOTIFY THE U.S. NUCLEAR REGULATORY  
COMMISSION IN ADVANCE OF IMPORT SHIPMENT – NON-CITED VIOLATION

Dear Mr. Elrod:

This letter refers to a review of a Baker Hughes Oilfield Operations, Inc. (Baker Hughes) import of a Category 2 quantity of cesium-137 (Cs-137) from the Czech Republic. Title 10 of the *Code of Federal Regulations* (10 CFR) Section 110.50(c) states, in part, that a licensee authorized to export or import radioactive material listed in Appendix P to 10 CFR Part 110 is responsible for notifying the U.S. Nuclear Regulatory Commission (NRC) in advance of each shipment. 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. A telephonic exit briefing was conducted with you on June 4, 2019, by a member of my staff, Jane Chimood.

On May 6, 2019, Baker Hughes submitted a late Shipping Notifications (notification), for import of Category 2 quantity of Cs-137 from the Czech Republic on April 24, 2019, [NRC's Agencywide Document Access and Management System (ADAMS), Accession No. ML19160A001]. In the e-mail transmitting the notification, Baker Hughes self-disclosed that on April 17, 2019, the notification was completed, 7 days prior to the shipping date, but they were unable to locate where the notification was forwarded to the NRC. Thus, instead of submitting the notification 7 days in advance of the imports, as required by 10 CFR 110.50(c)(4), Baker Hughes submitted the notification 12 days after the shipment departed.

Based on the information provided, the NRC determined that Baker Hughes failed to submit the notification at least 7 days in advance of the shipment, as required by 10 CFR 110.50(c). Baker Hughes's failure to provide timely information did not allow the NRC sufficient time to perform its review, which could have had significant implications for public health and safety or common defense and security.

Based on its review of information concerning this import, the NRC determined that Severity Level IV violations of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is available on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is being treated as a non-cited violation (NCV) because all the criteria in Section 2.3.2 of the NRC's Enforcement Policy are met: (1) you identified the violation, (2) you initiated prompt and comprehensive corrective actions to prevent recurrence as documented in the

attachment to your e-mail dated May 15, 2019 (ADAMS Accession No. ML19163A286), (3) the violation was not repetitive as a result of inadequate corrective actions, and (4) the violation was not willful.

If you contest the violation or significance of this NCV, you should provide a response within 30 days of the date of this report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the Deputy Director, Office of International Programs, and Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390, a copy of this letter, and your response if you choose to provide one, will be made available electronically for public inspection in the 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>. 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 Ms. Chimood at 301 287-9225 if you have any questions regarding this matter.

Sincerely,

**/RA/**

Peter J. Habighorst, Chief  
Export Controls and Nonproliferation Branch  
Office of International Programs

cc: C. Sullivan  
State of Texas

SUBJECT: FAILURE TO PROPERLY NOTIFY THE U.S. NUCLEAR REGULATORY COMMISSION IN ADVANCE OF IMPORT SHIPMENTS – NON-CITED VIOLATION. DATED: JUNE 26, 2019

**DISTRIBUTION:**

OIP/ff  
DSkeen, OIP  
AJones, OIP  
RErickson, RIV  
JCook, RIV

**ADAMS Accession Number: ML19164A026 (L) ML19160A001 (P)**

<b>OFFICE</b>	OIP/ECNP	OE	OE	BC:OIP/ECNP
<b>NAME</b>	JChimood	TMarenchin	JPeralta	PHabighorst
<b>DATE</b>	06/13/19	06/26/19	06/26/19	06/26/19

**OFFICIAL RECORD COPY**