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

May 10, 2000

Mr. Joseph Tchira
Litepro, LLC
3640 Yacht Club Dr., Suite 304
Aventura, FL 33180

SUBJECT: APPLICATION FOR REGISTRATION OF FLASHLIGHT MODELS AA AND C

Dear Mr. Tchira:

This letter is in response to your application, dated March 3, 2000, requesting the evaluation and registration of the Models AA and C self-luminous flashlights. After reviewing your application, we have determined that we cannot issue a registration certificate for self-luminous flashlights as exempt products.

Our decision is based on the Commission's regulations regarding the exemption of certain, self-luminous products. The provisions of 10 CFR 30.19(c) state that this exemption does not apply to products used "primarily for frivolous purposes..." The Commission issued a policy statement that addresses the meaning of "frivolous" in terms of the benefit of a design versus the exposure or possible exposure of the public to an even small increase in radiation. The staff has used the policy statement "Product Intended for Use by General Public (Consumer Products)," 30 Federal Register 3462, 1965, in our review of your application for a registration certificate. The policy statement points out that the degree of usefulness and benefit that would accrue to the public if the product were approved may be a deciding factor, especially for "off-the-shelf" items that are subject to mishandling especially by children. In such cases, a product would be approved only if it were found to combine an unusual degree of utility and safety.

Based on the Commission's regulations and policy statement, we cannot issue a registration certificate for the Models AA and C self-luminous flashlights for distribution as exempt products for the following reasons:

- alternatives which do not employ radioactive material are available and in use;
- the product would be readily available to children;
- the utility of the product is limited due to the low visibility of the light emission which will significantly decrease as a function of time;
- a review of the design as submitted in the application indicates that this product, which has a high propensity for abuse, provides limited protection of the radioactive material;
- the product has a high potential to spread contamination and exposure to the public if it is damaged.

For your information, we have enclosed the policy statement referenced above. If you have any questions, please call me at (301) 415-7273, or Dr. Seung Lee of my staff at (301) 415-5787.

Sincerely,

Frederick C. Sturz, Section Leader
Materials Safety and Inspection Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

For your information, we have enclosed the policy statement referenced above. If you have any questions, please call me at (301) 415-7273, or Dr. Seung Lee of my staff at (301) 415-5787.

Sincerely,

/RA/

Frederick C. Sturz, Section Leader
Materials Safety and Inspection Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

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Therefore, we cannot register your proposed device for distribution. For your information, the policy statement for consumer products is enclosed. If you have any questions, please call me at (301) 415-7273 or Dr. Seung Lee of my staff at (301) 415-5787.

Sincerely,

Frederick C. Sturz, Section Leader
Materials Safety and Inspection Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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