

**Law Offices Gerhard E.W. Kelter, Jr.**  
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electronic mail transmission

to:	from:
Mr. John Jankovich	Patrick J. Kronenwetter
company:	date:
Nuclear Regulatory Commission	05/16/00
e-mail address:	total no. of pages including cover & Attachemnts:
jjj2@nrc.gov	1
RE:	sender's reference number:
IMS Messsysteme GmbH	IMSGmbH.61

Dear Mr. Jankovich:

Further to our telephone conversation on May 10, 2000, I would like to request a meeting with NRC at which our client, IMS Messsysteme GmbH ("IMS GmbH) can present its position on the servicing of computer software problems with its customers' gauges, that are not directly related to the sealed sources. We understand your position that you cannot provide a definite answer to my earlier question on this subject without knowing more facts, and we would like to clarify the issue for your benefit.

In view of the ten working day public notice requirement for such a meeting, and noting the upcoming Memorial Day holiday, it would seem that the earliest realistic date for a meeting would fall during the week of June 5. Depending on your schedule and that of other NRC personnel who might participate, I suggest either June 5, 7, or 8. June 12 is a holiday in Germany, and I cannot confirm availability of our client's representatives on that date, but the rest of that week is generally open. If possible, we ask that the meeting begin in the late morning or early afternoon, to permit same-day travel to Washington from Pittsburgh and Chicago.

Please let me know by phone, fax or return email if any of these dates is acceptable, and whether NRC will require an agenda and/or attendee list in advance of any meeting.

Very truly yours,

LAW OFFICES GERHARD E.W. KELTER, JR.

Patrick J. Kronenwetter

cc: Hendrik Schultes

Received: from igate.nrc.gov ([148.184.176.31])  
by smtp (GroupWise SMTP/MIME daemon 4.1 v3)  
; Tue, 16 May 00 17:45:41 EDT

Received: from nrc.gov  
by smtp-gateway ESMTPœ id RAA07193  
for <JPJ2@nrc.gov>; Tue, 16 May 2000 17:45:28 -0400 (EDT)

From: Lawgekcg@aol.com

Received: from Lawgekcg@aol.com  
by imo-r20.mx.aol.com (mail\_out\_v26.7.) id f.9c.3bec4ad (14376);  
Tue, 16 May 2000 17:44:39 -0400 (EDT)

Message-ID: <9c.3bec4ad.26531b46@aol.com>

Date: Tue, 16 May 2000 17:44:38 EDT

Subject: IMSGmbH.61

To: JPJ2@nrc.gov

CC: hendrik.schultes@ims-gmbh.de

MIME-Version: 1.0

Content-Type: multipart/mixed; boundary="part1\_9c.3bec4ad.26531b46\_boundary"

X-Mailer: AOL 5.0 for Windows sub 70

**From:** <Lawgekco@aol.com>  
**To:** TWFN\_DO.twf4\_po(JPJ2)  
**Date:** Tue, May 16, 2000 5:44 PM  
**Subject:** IMSGmbH.61

**Statement of Confidentiality**

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**CC:** GATED.nrcsmtp("hendrik.schultes@ims-gmbh.de")

**PUBLIC MEETING ANNOUNCEMENT DATA INPUT**

NEW  
 REVISED

(Fields with shaded headings are mandatory)

**NRC MEETING CONTACT**

NAME	COMMERCIAL TELEPHONE (Include Area Code)	FACSIMILE TELEPHONE (Include Area Code)
John P. Jankovich	(301) 415 - 7904	(301) 415 - 5369

**MEETING DATE(S) AND TIME(S) (up to three entries)**

MEETING DATE(S) (Use MM/DD/YY format)		MEETING TIME(S) (Circle a.m. or p.m.)	
FROM	TO	BEGINNING	ENDING
6/8/00	6/8/00	1:00	2:00
		<input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	<input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.
		<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
		<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.

**MEETING LOCATION**

BUILDING One White Flint	STREET ADDRESS 11555 Rockville Pike
ROOM NUMBER 0-11B2	CITY AND STATE Rockville, Md.

**PURPOSE OF MEETING (96 characters available)**

To discuss content and procedure to amend sealed source/device registration

**COMMENTS (96 characters available)**

**MEETING  
(CHECK ONE)**

PUBLIC  
 NON-PUBLIC

**DOCKET OR PROJECT NUMBER and/or FACILITY NAME**

NR-375-D-101-B	Isotopen Messsysteme GmbH, Heiligenhaus, Germany

**ORGANIZATIONS IN ATTENDANCE**

NRC OFFICES/REGIONS (Offices only - DO NOT use Divisions, Branches, etc.)	OUTSIDE PARTICIPANTS (Company/Licensee/Agency Names - avoid abbreviations)
NMSS, OGC, Region I	P. Kronenwetter, Law Offices of G.E.W. Kelter, Chicago, IL.

**APPROVAL** (Required for fewer than 10 calendar days advance notice)

SIGNATURE -- BRANCH CHIEF John W. Hickey, Chief, MSIB/IMNS/NMSS	DATE 5/18/00
--	-----------------

RETURN THIS FORM TO: MEETING NOTICE COORDINATOR, MAIL STOP T-6 D8  
FACSIMILE (301) 415-5130, TELEPHONE (301) 415-7092, E-MAIL: PMNS

**Proposed Agenda  
For  
June 8, 2000 Meeting with  
The Nuclear Regulatory Commission**

**Introductions – John Buckman**

JB to introduce all persons with brief description of titles and responsibilities.

JB state that we sought this meeting to explain to the NRC that status of IMS Inc. is now not as a distributor of our products. We are the manufacturer of devices :

NR-375-D-102-S	Device 5245	Cs-137, (50Ci thickness)
NR-375-D-101-B	Device 5221	Am-241, (5 Ci thickness)
NR-375-D-104-S	Device 5321	Cs-137, (9 channel tube)
NR-375-D-103-S	Device 5301	Cs-137, (wall thickness)

We wish to discuss with the NRC our desire to come forward as the manufacturer of these devices, to be as open with the NRC as possible, and seek guidance from the NRC.

**Background – Rainer Fackert**

Give a description of the events that lead up to the current situation with IMS Measuring Systems Inc, the concerns for and by our customers, and our desire to “do the right thing”. In other words, how did we get where we are.

**Legal Status – Patrick Kronenwetter**

Description of the legal issues and what the current state of affairs are.

**Customer Concerns – John Buckman**

- Review number of isotope gauges and who those customers are.
- Review our concerns that IMS Measuring Systems Inc is not servicing those customers.
- Review of customers that will not be able to receive their devices for operation of their mills. Note that our gauges are usually the primary mill sensor. Breakdown of this device could mean the shutting down of entire facilities.
- Currently, there are no gauge failures or breakdowns of our equipment, but we are very concerned about the customer.

**Possible Solutions – Sue Engelhardt**

Sue to discuss with NRC what solutions may be possible. Could be made an additional distributor of the devices, or transfer the devices to IMS Systems Inc. Review timeframes involving each option, and poll the NRC for recommendations.

**NRC Recommendation – John Buckman**

Ask the NRC what we should do, discuss our dedication to doing this, and review again the time frames involved for each option.

**Conclusion – ALL**

Open discussion of all parties as to what steps will be taken.

June 14, 2000

NOTE FOR: File (Document: ML003723578, Package: ML003723576)  
NR-375-D-101-B  
NR-375-D-102-S  
NR-375-D-103-S  
NR-375-D-104-S

FROM: John P. Jankovich /RA/Susan Engelhardt  
Materials Safety and Inspection Branch, IMNS

SUBJECT: MINUTES OF MEETING WITH IMS SYSTEMS, INC.  
JUNE 8, 2000

Representatives of IMS Systems, Inc. (IMS) requested the meeting with the NRC staff to discuss the process to amend the above registration certificates. The devices, registered in these certificates, are manufactured in Germany by IMS Messsysteme GmbH, and had been distributed in the U.S. by Isotope Measuring System, Inc., Cranberry Twp, PA.

IMS staff presented the following issues:

- IMS/Germany terminated the business relationship in March 2000, with the distributor in Cranberry Township, Pennsylvania;
- the new distributor is to be IMS Systems, Inc., incorporated in the State of Georgia, and with a site in Wexford, Pennsylvania;
- IMS want to support the present customers by servicing the devices, but presently the previous distributor is licensed to do that;
- presently there are 19 units in use in the U.S.; routine servicing consist of monthly calibrations and wipe tests. The users are licensed to perform this activity;
- repairs, if needed, are mostly circuit board replacements, microswitch replacements, no problems were experienced with the sources or the shutters.

The NRC participants outlined to the IMS representatives that

- as a short term issue, IMS must apply for a license to Region I to be able to perform servicing and repairs;
- as a longer term issue, IMS must request an amendment of their certificates to change the distributor. The amendment request must address all sealed-source-and-device functions which the distributor performs such as receipt inspections, quality assurance, changes on labels, designation of contact in the operation and service manuals.

Participants:

IMS: John Buckman  
Rainer Fackert  
Frank Festa  
Patrick Kroenenwetter  
Susan Engelhardt

NRC: John Hickey  
Frederick Sturz  
Maria Schwartz  
John Jankovich  
Anthony Kirkwood  
Seung Lee

June 8, 2000  
Mtg with IMS/Germany

John Jankevich  
PATRICK J. KROENWETTER  
SUSAN ENGELHARDT  
MARIA E. SCHWARTZ  
FRANK FESTA  
JOHN BUCKMAN  
Rainer Facherz  
FRITZ STORZ  
Seung Lee  
Terry Kirkwood  
John Hickey

NRC 301-415-7904  
LAW OFFICES  
KELTER  
ENGELHARDT  
& ASSOC. INC. 312 853-0900  
608-274-4227  
NRC - OGC 301-415-1888  
IMS SYSTEMS INC. 724-490-7163  
IMS SYSTEMS INC 724-940-7160  
IMS Embly 724-740-7160  
NRC/NMSS/IMNS (301) 415-7273  
NRC/NMSS/IMNS (301) 415-5787  
NRC 301 415-6140  
NRC 301 415-7231

**From:** John Jankovich  
**To:** INTERNET: Lawgekcg@aol.com  
**Date:** Wed, Jun 21, 2000 1:24 PM  
**Subject:** Re: IMSGmbH.61

Mr. Kronenwetter,

In response to your e-mail dated June 19, 2000:

1. I am sending you a copy of the minutes of our meeting on June 8, 2000 for your information, attached below; and
2. please note that to the best of my knowledge Mr. George Burnet of IMS, Inc. did not request a meeting with the NRC staff.

John J.

June 14, 2000

NOTE FOR: File (Document: ML003723578, Package: ML003723576)  
NR-375-D-101-B  
NR-375-D-102-S  
NR-375-D-103-S  
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Frank Festa  
Patrick Kroenenwetter  
Susan Engelhardt

NRC: John Hickey  
Frederick Sturz  
Maria Schwartz  
John Jankovich  
Anthony Kirkwood  
Seung Lee

CC: FCS , JWH1

**Mail Envelope Properties** (3950FA39.4E3 : 3 : 20021)

**Subject:** Re: IMSGmbH.61  
**Creation Date:** Wed, Jun 21, 2000 1:24 PM  
**From:** John Jankovich

**Created By:** TWFN\_DO.TWF4\_PO:JPJ2

<b>Recipients</b>	<b>Action</b>	<b>Date &amp; Time</b>
Post Office INTERNET Lawgekcgo (INTERNET: Lawgekcgo@aol.com)	Transferred	06/21 1:24 PM
Post Office TWFN_DO.twf4_po FCS CC (FCS ) JWH1 CC (JWH1)	Delivered	06/21 1:24 PM
	Opened	06/21 2:01 PM
<b>Domain.Post Office</b> INTERNET TWFN_DO.twf4_po	<b>Delivered</b>  06/21 1:24 PM	<b>Route</b> INTERNET:aol.com TWFN_DO.twf4_po

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	7806	Wednesday, June 21, 2000 1:24 PM

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