DEPARTMENT OF HEALTH SERVICES
RADIOLOGIC HEALTH BRANCH
P.O. BOX 942732, MS-178
SACRAMENTO, CA 94234-7320
(916) 445-0931

October 1, 2001

Margaret C. Whitman
President and chief Executive Officer
eBay, Inc.
2145 Hamilton Avenue
San Jose, CA 95125

SUBJECT: ILLEGAL DISTRIBUTION OF RADIOACTIVE MATERIALS ON eBAY

Dear Ms. Whitman:

It has come to the attention of the California Department of Health Services, Radiologic Health Branch (the Department) that radioactive materials have been distributed via eBay and transferred to persons not properly licensed to receive such materials. Transfers of radioactive materials to persons not properly licensed is a violation of the laws of the State of California, as well as a violation of federal laws and the laws of other states. This letter is to inform you that such distribution and transfer is illegal, and that you must discontinue the facilitation of the distribution and transfer of these radioactive materials. We further require information concerning persons who have received illegally transferred radioactive materials via your distribution network.

Regulations governing the possession, use, transfer and disposal of radioactive materials are promulgated and enforced by either the U.S. Nuclear Regulatory Commission (NRC) or those states that have entered into agreements with the NRC to control the possession, use, transfer and disposal of certain radioactive materials within their boundaries (i.e., Agreement States). The State of California is an Agreement State, and the regulations governing the possession, use, transfer and disposal of radioactive materials can be found in the California Code of Regulations (CCR), title 17, sections 30100-30543.

On July 9, 2001, Mr. Larry Carter, of the Department, contacted Peter Gotcher, Senior Investigator for eBay, via e-mail to request assistance in determining the contact information for the recipients of twelve to fifteen "light sticks" containing the radioactive isotope tritium in quantities up to 500 millicuries, which were illegally distributed and transferred, with eBay's cooperation, via a distribution network established and maintained by eBay.

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www.consumerenergycenter.org/flex/index.html

To the best of our knowledge, the dates of these eBay ads were January 13-20, 2001; the item number was 5416433907; and the seller's ID was INZ3 (70). To date we do not believe that all of the requested information has been provided to us by eBay, therefore preventing us from contacting the recipients and implementing appropriate public protective measures.

The possession, use, transfer and disposal of the items referenced in the previous paragraph is restricted, by the statute and regulations noted above, due to the potential health and safety hazards associated with the mis-use of the radioactive material contained within these items. These hazards include the exposure of persons to radiation, and the contamination of personal and public properties with radioactive material, in excess of limits and guidelines set forth by the NRC and the Agreement States. Persons to whom these "light sticks" and other radioactive materials were transferred may be at risk of exposure to radiation or radioactive material in excess of federal and state limits and guidelines.

In accordance with the California Health and Safety Code, section 115150, to protect the public health and safety, eBay is hereby ordered to:

1) **Immediately, cease and desist from contributing to and facilitating the illegal transfer of radioactive materials; and**

2) **Within 15 days, provide the names, addresses, phone numbers and other contact information available to eBay for those persons to whom the "light sticks" referenced above were distributed, so that the Department may contact these persons to provide the information necessary to ensure proper and safe care and disposal of these items.**

The requested information should be provided to me, with a copy to Robert Greger, Chief of the Department's Inspection, Compliance and Enforcement Section. If you have any questions regarding this matter, please contact either me at 916-322-3482, or Mr. Greger at 916-323-2756. We look forward to hearing from you within the next 15 days.

Sincerely,

Edgar D. Bailey

Edgar D. Bailey, C.H.P., Chief
Radiologic Health Branch

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RADIOLOGIC HEALTH BRANCH
P.O. BOX 942732, MS-178
SACRAMENTO, CA 94234-7320
(916) 445-0931

October 1, 2001

Mathew Lincoln
6001 W. Damsen
Visalia, CA 92391

SUBJECT: ILLEGAL DISTRIBUTION OF RADIOACTIVE MATERIALS

Dear Mr. Lincoln:

It has come to the attention of the California Department of Health Services, Radiologic Health Branch (the Department) that you have transferred radioactive materials via eBay to persons not properly licensed to receive such materials. Transfers of radioactive materials to persons not properly licensed is a violation of the laws of the State of California, as well as a violation of federal laws and the laws of other states. This letter is to inform you that such distribution and transfer is illegal, and that you must discontinue the transfer of these radioactive materials. We further require information concerning persons to whom you have illegally transferred radioactive materials.

Regulations governing the possession, use, transfer and disposal of radioactive materials are promulgated and enforced by either the U.S. Nuclear Regulatory Commission (NRC) or those states that have entered into agreements with the NRC to control the possession, use, transfer and disposal of certain radioactive materials within their boundaries (i.e., Agreement States). The State of California is an Agreement State, and the regulations governing the possession, use, transfer and disposal of radioactive materials can be found in the California Code of Regulations (CCR), title 17, sections 30100-30543.

Mr. Larry Carter, of the Department, has contacted you on several occasions between January and May of this year, via e-mail and telephone, in attempts to get contact information (names and addresses) for the recipients of twelve to fifteen "light sticks" containing the radioactive isotope tritium in quantities up to 500 millicuries, which you illegally transferred via eBay. To date you have not provided the requested information to us, therefore preventing us from contacting the recipients and implementing appropriate public protective measures.

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The possession, use, transfer and disposal of the items referenced in the previous paragraph is restricted by the statute and regulations noted above due to the potential health and safety hazards associated with the mis-use of the radioactive material contained within these items. These hazards include the exposure of persons to radiation and the contamination of personal and public properties with radioactive material in excess of limits and guidelines set forth by the NRC and the Agreement States. Persons to whom these "light sticks" were transferred may be at risk of exposure to radiation or radioactive material in excess of federal and state limits and guidelines.

In accordance with the California Health and Safety Code, section 115150, to protect the public health and safety, you are hereby ordered to:

1) **Immediately, cease and desist from the illegal transfer of radioactive materials; and**

2) **Within 15 days, provide the names, addresses, phone numbers and other contact information for those persons to whom the "light sticks" referenced above were distributed, so that the Department may contact these persons to provide the information necessary to ensure proper and safe care and disposal of these items.**

The requested information should be provided to me, with a copy to Mr. Robert Greger, Chief of the Department's Inspection, Compliance and Enforcement Section. If you have any questions regarding this matter, please contact Mr. Greger at 916-323-2756. We look forward to hearing from you within the next 15 days.

Sincerely,

Edgar D. Bailey, C.H.P., Chief
Radiologic Health Branch

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Facsimile Cover Sheet

Radiologic Health Branch
Department of Health Services
P.O. Box 942732, MS-178
Sacramento, CA 94234-7320

Phone: (916) 445-0931
Fax: (916) 324-3610

Date: 10-4-01

Pages including this cover page: 5

To: Richard Blanton

Company: _____

Phone: (___) _____ **Fax:** (301) 415-3502

From: Robert Greger

Phone: (916) 323-2756

Comments:

[ ] URGENT! [X] Per Your Request [ ] Please Comment

Other:

2-99