

February 5, 2002

The Honorable Constance A. Morella
Member, United States
House of Representatives
51 Monroe Street
Suite 597
Rockville, MD 20850

Dear Congresswoman Morella:

I am responding to your letter of November 29, 2001, on behalf of your constituent, Mr. John Lee, President, Harta Corporation. Mr. Lee is concerned about the potential delay and adverse impact on his company from U.S. Nuclear Regulatory Commission (NRC) requirements related to sale of products containing tritium, a radioactive material.

Mr. Lee proposes to install a luminous tritium archery bow sight into his company's product, a luminometer reference plate, for use in diagnostic instruments. NRC regulations limit distribution of products licensed for exempt distribution to individuals only for their intended purpose. Meprolight, the distributor of the tritium archery bow sights, is licensed by NRC, and purchasers do not need an NRC license to use the sights for their intended purpose. However, Harta Corporation intends to modify, install, and distribute the archery sights for a completely different purpose in a diagnostic instrument. Therefore, the exemption from licensing requirements does not apply to Harta Corporation. Based on this determination, NRC staff advised Mr. Lee that he must obtain an NRC license and a product registration to manufacture and distribute the proposed device. In addition, Mr. Lee was informed that he needed to obtain a license to possess the material from the State of Maryland.

The NRC staff discussed the proposed product with Mr. Lee, on several occasions by telephone, in November and December 2001. The staff provided him with the applicable guidance documents in a letter dated November 7, 2001, and in subsequent e-mails, which explained our regulatory requirements. The staff also scheduled a meeting with him on November 20, 2001, to explain our requirements and obtain a clear understanding of his proposal, but he subsequently canceled the meeting.

NRC and State licensing requirements are necessary to assure protection of the public health and safety from potential radiation hazards associated with consumer products. Before authorizing Meprolight to distribute the archery sights, the staff conducted the appropriate radiation safety review. However, this safety review did not cover the use proposed by Harta Corporation. This new proposal involves unreviewed safety questions, such as whether the modification, the installation process, or subsequent use conditions might damage the tritium

devices, and pose radiation hazards to workers or members of the public. NRC would review these safety issues in conjunction with review of a license application from Harta Corporation.

If you have further questions regarding this matter, please feel free to contact us.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

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If you have further questions regarding this matter, please feel free to contact us.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

DISTRIBUTION: G20020006

IMNS r/f EDO r/f CPaperiello WTravers NMSS Dir. Off. r/f
SECY-LTR-02-0005 CPoland PTressler SBurns

*See Previous Concurrence

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OFC	MSIB*		NMSS*		IMNS*		IMNS*		OGC*	
NAME	JJankovich		EKraus (by fax)		JHickey		DCool		STreby	
DATE	1/14/02		1/14/02		1/16/02		1/16/02		1/17/02	
OFC	NMSS*		DEDMRS		EDO		OCA			
NAME	MVirgilio		CPaperiello		WTravers		DRathbun			
DATE	1/22/02		02/01/02		02/04/02		02/05/02			

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