

December 27, 2002

EA-02-268

2 The Hilt
Mr. Philip DeVries, Owner
560 5th Street NW
Suite 204
Grand Rapids, MI 49504

SUBJECT: UNAUTHORIZED DISTRIBUTION OF CONSUMER PRODUCTS
CONTAINING NRC LICENSED MATERIAL ON THE INTERNET

Dear Mr. DeVries:

This is a follow up to a December 16, 2002, telephone conversation between you and Mr. Darrel G. Wiedeman of my staff. Based on that telephone conversation, it is our understanding that around October 2002, you purchased and received approximately 50 "Traser Glow Rings" (key rings) containing H-3 (tritium) manufactured by Traser-UK, in the United Kingdom and re-distributed them through your company via the Internet. It was also our understanding that you were not aware that an NRC license was required to distribute these items within the United States.

During the December 16, 2002, telephone conversation, Mr. Wiedeman explained to you that an NRC license is required to distribute the quantity of material contained in the key chains. Mr. Wiedeman also explained that while the devices were not licensed in the United Kingdom, distribution of consumer products containing radioactive material must be licensed in the United States and further, that it is our policy not to license distribution of toys, novelties, adornments or any consumer product containing radioactive material considered a frivolous use of radioactive material. At the conclusion of the conversation, you indicated you understood our position and do not plan to continue selling or distributing these or any other consumer product containing radioactive materials.

We would like to inform you that the NRC's regulations allow the issuance of civil sanctions to be taken directly against individuals who possess or distribute these devices without a license. While we have elected not to take enforcement action against you this time, please be aware that similar actions in the future could lead to formal NRC enforcement action against you.

Please feel free to contact Mr. Wiedeman of my staff if you have any questions. Mr. Wiedeman can be contacted at (800) 522-3025 or (630) 829-9808.

You are not required to response to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Darrel Wiedeman, 801 Warrenville Road, Lisle, IL 60532-4351 within 30 days of the date of this letter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response to this letter, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Marc Dapas, Acting Director
 Division of Nuclear Materials Safety

DISTRIBUTION:
 A. Kirkwood, NMSS

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