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March 9, 2005

Mr. Steven Courtemanche
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety
U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

**SUBJECT: RESPONSE TO NRC REQUEST FOR ADDITIONAL
INFORMATION CONCERNING APPLICATION FOR NEW
LICENSE, CONTROL NO. 136235, DATED JANUARY 19, 2005**

Mr. Courtemanche:

This letter transmits our responses to your February 10, 2005 request for additional information on our application Dated December 2, 2004. We have addressed each item separately on the following pages.

Please contact me at (201) 750-8000 or Mr. Shane Brightwell at (631) 278-0610 if you have any questions or comments.

Warmest regards,

RICHARD BARRY MARKETING GROUP
Richard J. Timbo
Applicant Certifying Official

136235
NMSS/RGNI MATERIALS-002

RICHARD BARRY MARKETING GROUP

RICHARD J. TIMBO • (201) 750-8000 FAX (201) 750-8444 • 81 Ruckman Road, Closter, New Jersey 07624
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The following are the RBMG responses to questions/requests in the February 10, 2005 request for additional information. The original NRC questions/requests are in **bold** type font; applicant responses are in normal type font.

- 1. Please confirm that your proposed location of use, listed in item 3 of your application, is not a location of use for any other active NRC license.**

RESPONSE: To the best of our knowledge, there are no other active NRC licenses in use at the facility listed in item 3 of our application.

- 2. Confirm whether you have completed the examination referenced in your application successfully and your skills and abilities were observed to be satisfactory. If not, then confirm that the above will occur before the initiation of licensed activities.**

RESPONSE: Included with this response is an amendment request to our original application. This amendment request replaces the proposed RSO (Mr. Richard Timbo) with Mr. Michael Shane Brightwell. Additionally, Mr. Timbo will be trained as an Authorized User (AU) and will oversee the day-to-day licensed activities as Licensed Activities Supervisor.

Mr. Timbo, along with other applicable employees at the facility, will be trained prior to the initiation of licensed activities.

- 3. Since you will be receiving or have received the training referenced in your application, confirm that Mr. Brightwell is/was the instructor. Alternatively, indicate how the training will be/was provided (i.e., self-study, teleconference, videotape, etc.).**

RESPONSE: Mr. Brightwell, now submitted as the applicant RSO, will perform initial on-site training for Mr. Timbo and other applicable employees commensurate with each individual's responsibilities with respect to licensed activities. Additionally, these individuals have been provided the Basic Radiation Training document to review/study prior to on-site training.

- 4. Confirm that there will be training prior to the first performance of licensed activities, refresher training on an annual basis, and retraining whenever there is a change in relevant regulations and/or a change in duties of the individual performing licensed activities.**

RESPONSE: The following training activities will be performed –

- Initial training will be conducted prior to the first performance of licensed activities.
- Refresher training will be performed on an annual basis.
- Retraining will be performed whenever there is a change in

- relevant regulations, or
- duties of any individual performing licensed activities.

5. Your application in item 10 indicates that you will be performing “quality control checks of a fraction on individual SSD packages.” If the time pieces are to be disassembled, then please commit to the performance of area surveys for contamination after the quality control checks and bioassays of the workers involved. Otherwise state that the timepieces will not be disassembled.

RESPONSE: Timepieces will not be disassembled at the licensed facility.

6. Your application states under item 11, “Waste Management” that the licensee will follow the protocol of collecting and returning all damaged Sealed Source Devices (SSDs [i.e., timepieces]) and SSDs with failed Gaseous Tritium Light Sources to the overseas manufacturing facility. Confirm that you will perform surveys of the shipment in which you find such damaged devices to determine if your facility or other packages in the shipment become contaminated from the damaged devices.

RESPONSE: Contamination surveys will be performed on shipments found to contain damaged timepieces. The surveys will be performed and results will be evaluated by the RSO using the Department of Transportation 49 CFR 173.443 criteria as applicable to determine subsequent actions with respect to other packages in the shipment.

Additionally, if any shipment is found to contain damaged timepieces, subsequent contamination surveys will be performed on potentially impacted areas of the facility (loading dock, handling and storage areas, support equipment, etc.). The results will be evaluated by the RSO to determine to what extent remedial action options need to be considered.

Amendments to the original *Application for Material License*

The following are amendments to the original RML application.

ITEM 4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Original

Michael Shane Brightwell, MS, CHP
Application Preparer
Professional Radiation Consulting, Inc.
267-B East 29th Street #444
Loveland, CO 80538
631-278-0610 (phone)
720-294-1153 (fax)
proradcon@aol.com

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Applicant Certifying Official
Applicant Radiation Safety Officer
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Requested Amendment

Michael Shane Brightwell, MS, CHP
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ITEM 7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE

Original

- Michael Shane Brightwell, MS, CHP, of Professional Radiation Consulting, Inc. (Application Preparer), will implement the Basic Radiation Safety Training program. Mr. Brightwell's resume is in **Attachment 1** [to the original application].
- Richard J. Timbo, Applicant Radiation Safety Officer (RSO) – Mr. Timbo will be trained using the Basic Radiation Safety Training (BRST) document (**Attachment 2**) [to the original application]. Successful completion will be demonstrated by examination with a minimum passing score of 80%. Additionally, Mr. Timbo will be observed to perform or simulate performance of all required licensed activities as appropriate.
- Any person(s) proposed to be an Authorized User (AU) will be trained per **Attachment 2** [to the original application]; demonstrate adequate knowledge (testing minimum passing score of 70%), skills, and abilities (performance or simulated performance of all applicable licensed activities); and the person's credentials will be submitted to NRC for approval as an AU.

Requested Amendment

- Michael Shane Brightwell, MS, CHP, of Professional Radiation Consulting, Inc. (Applicant Radiation Safety Officer and Application Preparer), will implement the Basic Radiation Safety Training program. Mr. Brightwell's resume is in **Attachment 1** [to the original application].
- Richard J. Timbo, Applicant Certifying Official and Licensed Activities Supervisor – Mr. Timbo will be trained using the Basic Radiation Safety Training (BRST) document (**Attachment 2**) [to the original application]. Successful completion will be demonstrated by examination with a minimum passing score of 80%. Additionally, Mr. Timbo will be observed to perform or simulate performance of all required licensed activities as appropriate.
- Any person(s) proposed to be an Authorized User (AU) will be trained per **Attachment 2** [to the original application]; demonstrate adequate knowledge (testing minimum passing score of 70%), skills, and abilities (performance or simulated performance of all applicable licensed activities); and the person's credentials will be submitted to NRC for approval as an AU.