



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

April 4, 2005

Docket No. 03036786
Control No. 136235

License No. 29-23921-01

Richard J. Timbo
Certifying Official
Richard Barry Marketing Group (RBMG)
81 Ruckman Road
Closter, NJ 07624-2102

**SUBJECT: RICHARD BARRY MARKETING GROUP (RBMG), ISSUANCE OF NEW
LICENSE, CONTROL NO. 136235**

Dear Mr. Timbo:

This refers to your request for an NRC license. Enclosed with this letter is the license. Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

Please note that you must wait until the exempt distribution license is issued before you may transfer devices to individuals or companies that do not possess a specific NRC or Agreement State license for the licensed material that is authorized by this license.

The NRC is required to have your Taxpayer Identification Number in order to make payments (refunds). The self-addressed, stamped NRC Form 531, "Request for Taxpayer Identification Number," is enclosed.

The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify the NRC in writing of any change in mailing address.
3. In accordance with 10 CFR 30.36(d), notify the NRC, promptly, in writing, and request termination of the license
 - a) when you decide to terminate all activities involving materials authorized under the license; or

- b) if you decide not to acquire or possess and use authorized material.
4. Request and obtain a license amendment before you:
- a) change Radiation Safety Officers;
 - b) order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license; or
 - c) add or change the areas of use, or addresses of use identified in the license application or on the license; or
 - d) change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or a certifying official of the licensee rather than a consultant.

You will be periodically inspected by the NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in NUREG-1600, "General Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy).

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Current NRC regulations and guidance are available at the NRC Web sites listed below or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

R. Timbo
Richard Barry Marketing Group (RBMG)

3

Thank you for your cooperation.

Sincerely,

Original signed by Steven Courtemanche

Steven Courtemanche
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosures:

1. License No. 29-23921-01
2. NRC Form 531

NRC Web site addresses

NRC regulations

<http://www.nrc.gov/reading-rm/doc-collections/cfr/>

Licensing guidance

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>

General Policy and Procedure for NRC Enforcement Actions

<Http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>

206 of the Energy Reorganization Act of 1974

<http://www.nrc.gov/who-we-are/governing-laws.html>

cc:

Michael S. Brightwell, Radiation Safety Officer

R. Timbo
Richard Barry Marketing Group (RBMG)

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NAME	SCourtemanche/src							
DATE	04/04/2005							

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MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	
1. Richard Barry Marketing Group (RBMG)	3. License number 29-23921-01
2. 81 Ruckman Road Closter, New Jersey 07624-2102	4. Expiration date April 30, 2015
	5. Docket No. 030-36786 Reference No.

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Hydrogen 3	A. Sealed Sources (Mb-Microtec Models 400/1, 400/2, and 400/3)	A. 50,000 Curies

9. Authorized use:

A. For distribution to persons authorized to receive the licensed material pursuant to the terms and conditions of specific licenses issued by the NRC or any Agreement State.

CONDITIONS

- 10. Licensed material may be used or stored only at the licensee's facilities located at 81 Ruckman Road, Closter, New Jersey.
- 11. Licensed material shall be used by, or under the supervision of, Richard J. Timbo and Michael S. Brightwell.
- 12. The Radiation Safety Officer for this license is Michael S. Brightwell.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
29-23921-01

Docket or Reference Number
030-36786

13. Each device distributed pursuant to the conditions of this license shall be in accordance with the following table:

<u>Device Model Numbers</u>	<u>Isotope</u>	<u>Source Model Numbers</u>	<u>Maximum Activity Per Device</u>
100/1, 100/2, 100/3, 100/4, and 100/5	Hydrogen-3	400/1, 400/2, and 400/3	25 millicuries

14. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

- A. Application dated December 2, 2004 (ML043480337)
- B. Letter dated March 9, 2005 (ML050830445)
- C. Letter dated March 28, 2005



For the U.S. Nuclear Regulatory Commission

Date April 4, 2005

By *Original signed by Steven Courtemanche*
 Steven Courtemanche
 Commercial and R&D Branch
 Division of Nuclear Materials Safety
 Region I
 King of Prussia, Pennsylvania 19406