



RECEIVED
REGION I

'05 MAR 31 12:57

MS-16
K-H

March 28, 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

29-23921-01
03036786

**SUBJECT: RESPONSE TO NRC REQUEST FOR ADDITIONAL
INFORMATION CONCERNING APPLICATION FOR NEW
LICENSE, CONTROL NO. 136235, MARCH 14, 2005**

Mr. Courtemanche:

This letter transmits our responses to your request during conversations on March 14, 2005 for additional information on our application. 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
BARRY S. COHEN • (415) 388-4949 FAX (415) 388-8989 • 301 Poplar Avenue, Suite 8, Mill Valley, California 94941

The following are the RBMG responses to questions/requests in the March 14, 2005 request for additional information. The original NRC questions/requests are in **bold** type font; applicant responses are in normal type font.

- 1. Describe the control over the Radiation Safety Program (RSP) delegated so that consultant Radiation Safety Officer (CRSO) is able to exercise authority over authorized users (AUs) when confronted with radiation safety problems that require implementation of corrective actions.**

RESPONSE: The CRSO is indeed delegated, by the licensee, the requisite operational authority to enforce the requirements of the radioactive materials license and the radiation safety program. The RSO has the licensed program operational authority to execute and enforce the license conditions and subsequent radiation safety program in accordance with 10 CFR 20. This authority includes, but is not limited to:

- Development and subsequent implementation of the licensed RSP commensurate with the scope of licensed activities;
- Performance of training, testing, and subsequent approval of all AUs;
- Performance of routine reviews of the licensed RSP practices by AUs;
- Enforcement of radiation safety practices by AUs and authority to immediately remove any AU from licensed activities;
- Enforcement of the ALARA requirements as they apply to the RSP, and
- Conduct of an annual review of the licensed radiation safety program content and implementation.

- 2. Describe the relationship existing between CRSO and institutional management regarding expenditure of funds to facilitate objectives of the RSP and related regulatory requirements.**

RESPONSE: The CRSO will have the authority to enforce the program commitments, license conditions, and applicable regulations. He is committed to maintaining the RSP in a manner that is conducive to the company's commercial operations, so long as such operations are maintained within the scope of the licensed program. Institutional management is financially committed to appropriating reasonable and necessary funds to maintain the RSP as implemented under the authority of the CRSO.

- 3. Identify other commitments of CRSO for other NRC or agreement state licensed facilities, along with a description of how CRSO will allocate time to permit performance of the duties of the RSO as described in the regulations. State the RSO's minimum amount of time at the facility.**

RESPONSE: Mr. Brightwell is currently listed as the CRSO on Litepro, LLC's Florida Materials License No. 3300-1 and NRC Exempt Distribution License No. 09-23879-01E, both of which

pertain to exempt distribution of sealed source devices (SSD). He spends approximately 5-10% of his time in any given month attending to this licensed program on a flexible schedule. Additionally, Mr. Brightwell is listed as the Alternate CRSO on New York State Department of Labor Radioactive Materials License No. 3095-4330 for remediation work, which he spends approximately 50-75% of his time on; this program also allows for a flexible schedule.

As CRSO, Mr. Brightwell will be present to initiate our licensed program including all commitments, conditions, and applicable regulations, and will assure that it is operating properly. He will conduct a follow-up on-site review within 45 days of initiation to verify proper operation. In the near term, he will conduct CRSO program evaluations on a quarterly basis. This evaluation will continue at a quarterly frequency until it is assured that the program is operated in full accordance with license conditions and commitments, whereupon the frequency may be reduced to semiannual. Additionally, he will be readily available by communication methods (mobile phone, e-mail, fax, and postal/courier mail) to continually address issues at the facility. Each visit to the facility will be a minimum of one work day, depending on the needs of the program.

- 4. Appoint an in-house representative who will serve as the point of contact during CRSO's absence. This person may be allowed to assist CRSO with limited authority.**

RESPONSE: This has been completed in the previous application submittals.

- 5. Describe the overall availability of the CRSO to respond to questions or operational issues that arise during the conduct of the RSP and related regulatory requirements. Specify the maximum amount of time for the CRSO to arrive at the facility in the event of an emergency requiring hi presence.**

RESPONSE: As CRSO, Mr. Brightwell will be readily available by communication methods (mobile phone, e-mail, and fax) to immediately address questions and issues at the facility. In the event of an emergency at the facility requiring his presence, the CRSO will be able to arrive at the facility within approximately 24-48 hours, but no more than three work days.