

From: Elizabeth Ullrich
To: Brad Fisher
Date: Wed, Jun 15, 2005 10:57 AM
Subject: Your email questions - new license application (LN 31-23902-02, DN 030-36913, Control No. 136761)

Mr. Fisher:

This refers to your email (below) dated June 14, 2005 with questions regarding the NRC letter dated May 16, 2005, requesting additional information about your new license application (LN 31-23902-02, DN 030-36913, Control No. 136761).

1. Item No. 2 of our letter requested additional information regarding both routine surveys, and surveys in the event of an incident or emergency.

a. Routine surveys are necessary to determine if facilities are, or are not, contaminated and to determine the level of contamination if present. Such surveys are required by the regulations in 10 CFR Part 20.1501 and 20.1502. The guidance in NUREG 1556, Volume 12, Section 8.10.7 discusses surveys, and Appendix P of that document suggests the types and frequencies of surveys. For the types and quantities of tritium you plan to possess, Appendix P would recommend surveys not less than monthly; considering the form of the material, we could consider somewhat longer intervals, but routine surveys should be done. On your State of New York License no. 3131-4364, provided with your application, Condition 18 requires monthly survey of your facilities there. You may use the same equipment for surveys and analysis of routine samples done at the New Jersey facility as are used in New York, but you need to provide us with the information about that equipment (see NUREG 1556, Vol 12, Section 8.10.2). Please provide us with the the minimum frequency at which routine surveys will be performed, and provide us with a description of the equipment to be used for performing surveys and analysis of survey samples.

Please note that, although the items may be distributed to persons who are exempt, you are required to have a specific license to distribute the items, and part of your responsibility is to ensure that the items are not leaking or contaminated prior to that distribution. Tritium gas can (and does) convert to tritiated water so such sources cannot be assumed to totally dissipate in air if broken. Also, such leakage can occur without the phosphor leaking, and contamination would then be able to be detected then only through use of wipe test surveys for tritium.

b. In addition to performing routine surveys, you should have the capability of performing surveys if damaged packages, sources, etc are identified such that tritium could be released from the sources. In addition to the regulations stated above requiring that surveys be performed, 10 CFR 20.1906((b) (3) and (c) requires that all packages known to contain radioactive material be monitored for radioactive contamination if there is any evidence of degradation, within 3 hours of receipt of the package. Although you may never had had such an incident, you must have the capability to respond if such a need is identified. Describe the surveys you would perform and the equipment to be used to perform such surveys, in the event of a degraded package or any other incident in which the source integrity may be compromised.

2. In reviewing your application, please note that your instructions to workers, in Item 10. e. "Emergency Procedures - Damage or Fear of Contamination", for return of damaged or broken items is INCORRECT. Packages to be returned must be assessed for contamination levels, and must be marked and labeled in accordance with DOT regulations. They CANNOT be sent with no marking, labeling etc if there are broken sources or contaminated sources being returned to the manufacturer. Broken or damaged sources are no longer in "special form" and are no longer sealed sources; such items would be required to be transported in accordance with regulations for normal form/unsealed tritium. Confirm that you will revise these instructions.

If you have additional questions, you may contact Farrah Gaskins (the primary reviewer) at

610-337-5143 or me (Betsy Ullrich, the secondary reviewer) at 610-337-5040.

Betsy Ullrich

>>> "Brad Fisher" <bradf@meprolight.com> 06/14/05 03:07PM >>>
Dear Ms. Gaskins,

I am sorry not to have responded sooner but I have been out of the office more than usual this past month.

First, please note that we certainly do wish to pursue this license application and a full written response will be provided both by email and by letter within the next week. The delay has been caused by a lack of answers received from a local hospital regarding the possibility to perform wipe tests for us.

While this email should not be considered as our formal response, I will try to cover the questions raised by you - and to ask for clarification at the same time.

Regarding Mr. Kimber, has been employed in this capacity for over 15 years and has successfully completed a recognized course for RSO. A copy of his documentation will be provided with the written response.

Regarding the survey programs, as mentioned above, I have asked a local hospital if they can provide wipe test services. However, I am not sure that I understand the necessity. We have been dealing with agreement states (Georgia and NewYork) for possession of these products for over 15 years and never had a requirement imposed for performing wipe tests - or other surveys beyond those discussed in our application. We bring in, store and distribute only exempt products which have been proven to be safe - even if the tritium should somehow escape. The manufacturer performs 100% soak tests on the products before packing and shipping (and supplies documentation to that effect). Historically, we have never had any shipments received that contained even a single leaking item (we inspect 100% of the product in a darkroom to assure that they are all acceptable before storing them). While our incoming inspection procedures require that we check the received packages for signs of damage, we have never had an incident of damaged product. Is the survey/wipe test truly a requirement or are you just being cautious?

Regarding the connection between Octal, Klein and Hill and Meprolight:
We have rented warehouse and office space from Octal Corporation and have been granted unrestricted access to the facility on a 24 hour a day basis. It appears that in the very near future, we may enter into a limited Joint Venture with Octal for these and other products. Klein and Hill serves as our Corporate Office, and Mr. Reuven Klein of that firm is a member of the Board of Directors of Meprolight.

While, as stated above, I will submit a formal response (letter attachment to email, as well as by mail) I would appreciate an answer to my question above because it may be that I am delaying my response unnecessarily.

Thank you for your consideration in this matter. I look forward to hearing from you soon.

Brad Fisher
Operations Manager
MEPROLIGHT, Inc.

-----Original Message-----

From: Farrah Gaskins [<mailto:FCG@nrc.gov>]
Sent: Wednesday, May 18, 2005 5:50 PM
To: Brad Fisher

Subject: Re: Our Application for License

Dear Mr. Fisher,

Your e-mail was forwarded to me by Tom Thompson, as I am the reviewer for your new license application. Based on my initial review of your application, I will need additional information in order to continue the review process. A hard copy of the request for additional information has been mailed to you via postal mail and I am attaching a copy of that letter to this e-mail as well. If you have any questions or concerns, please contact me at 610-337-5143. I will be in the office until 12:30pm today.

Regards,

Farrah Gaskins

Farrah C. Gaskins
Health Physicist
Division of Nuclear Materials Safety, Commercial and R&D Branch
U.S. Nuclear Regulatory Commission, Region I
(610) 337-5143

>>> "Brad Fisher" <bradf@meprolight.com> 05/18/05 11:19AM >>>
Dear Mr. Thompson,

A month has now past since I visited you and I thought I would drop a quick line to see how things are proceeding with our application.

Since I would like to believe that you have started at least a cursory review of the application, should I assume that "no news is good news" and that you do not need any additional information from us?

I look forward to hearing from you at your earliest convenience.

Regards,

Brad Fisher
Operations Manager
MEPROLIGHT, Inc.

CC: "ebu@nrc.gov".NRGWIA01.NRGWDO01@nrc.gov; Duncan White; Farrah Gaskins

Mail Envelope Properties

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Subject: Your email questions - new license application (LN 31-23902-02, DN 030-36913, Control No. 136761)
Creation Date: Wed, Jun 15, 2005 10:57 AM
From: Elizabeth Ullrich
Created By: EXU@nrc.gov

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ADW CC (Duncan White)
FCG CC (Farrah Gaskins)

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Options

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Return Notification: None

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Security: Standard