



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005

November 16, 2007

Supra Technologies  
Attn.: Mr. Leif Vasstrom  
P.O. Box 471011  
San Francisco, California 94147

SUBJECT: NRC INSPECTION REPORT NO. 999-0004/07-001 AND NOTICE OF VIOLATION

Dear Mr. Vasstrom:

This refers to the telephonic inspection conducted for Supra Technologies located in San Francisco, California, Inspection Report No. 999-0004/07-001. This inspection is based on the telephone conversation with Linda M. Gersey and yourself on August 15, 2007, and subsequent discussions. The purpose of the inspection was to determine if Supra Technologies had distributed tanning bed bulbs containing byproduct material, specifically krypton-85 (Kr-85), without a Nuclear Regulatory Commission (NRC) exempt-distribution license.

Per your discussion with Ms. Gersey, you stated that Supra Technologies had imported tanning bed lamps containing Kr-85 from Radium Lampenwerk Wipperfurth, (Radium), located in Wipperfurth, Germany. You stated to the NRC inspector that you had distributed five lamp types manufactured by Radium, which contained Kr-85 since March 2007 without an exempt distribution license.

It is our understanding that you had been informed by Radium that the tanning bed bulbs containing Kr-85 provided by Radium complied with NRC regulations. This assessment made by Radium was based on a misinterpretation of 10 CFR 30.70, Schedule A - Exempt concentrations. Radium incorrectly believed and had informed you that 10 CFR 30.70 pertained to the concentration of radioactivity in a product and if the product distributed did not exceed the concentration of radioactivity specified in Schedule A it would be exempt from NRC regulations. However, the inspector explained to you that the exempt concentrations listed in 10 CFR 30.70 apply only to the quantities of radioactive material that a 10 CFR Part 32 specific licensee can distribute to persons who are exempt from NRC regulations (i.e., persons without a license). Consequently, an exempt distribution license is still required pursuant to the provisions of 10 CFR 30.3 and 10 CFR 32.14, for products described in 10 CFR 30.15(a)(8), which includes "electron tubes" or tanning bed bulbs. Also, a specific byproduct material license from the State of California would be required to possess the requisite byproduct material.

Additionally, our inspection determined that these tanning bed bulbs did not have the appropriate labeling as required by 10 CFR 32.15(d). Specifically, each tanning bed bulb and container must be marked or labeled identifying the manufacturer or initial distributor, and the byproduct material contained in the bulb.

After learning that you were in noncompliance of NRC regulations, you committed to Ms. Gersey to do the following: 1) immediately cease distribution of tanning bed bulbs containing Kr-85; 2) obtain a NRC exempt-distribution license; and 3) obtain a State of California possession license. Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements had occurred. The violations were evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html). The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding the violations are described in detail in the body of this letter. The violations are being cited in the Notice because they were identified by the NRC.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence is already adequately addressed on the docket in Inspection Report No. 999-0004/07-001. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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,

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Vivian H. Campbell, Chief  
Nuclear Materials Safety Branch A

Docket No. 999-0004

Enclosure: Notice of Violation

cc w/Enclosure  
California Radiation Control Program Director



## NOTICE OF VIOLATION

Supra Technologies  
San Francisco, California

Docket No. 999-0004

During an NRC inspection conducted telephonically on August 15, 2007, and subsequent conversations, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- (1) 10 CFR 30.3 requires, in part, that no person shall transfer byproduct material except as authorized in a specific license issued pursuant to the 10 CFR Part 30.

Contrary to the above, Supra Technology transferred byproduct material without obtaining a specific license pursuant to 10 CFR Part 30. Specifically, Supra Technology distributed tanning bed bulbs containing krypton-85 from March 2007 through August 2007 without a NRC exempt-distribution license.

This is a Severity Level IV violation (Supplement VI)

- (2) 10 CFR 32.15(d), states, in part, that labeling or marking is required for each unit and its container so that the manufacturer or initial transferor of the product and the byproduct material in the product can be identified.

Contrary to the above, Supra Technology failed to label or mark each unit and its container so that the manufacturer or initial transferor of the product and the byproduct material in the product can be identified. Specifically, the tanning bed bulbs containing krypton-85 that were distributed by Supra Technology were not labeled or marked identifying the manufacturer or initial transferor of the product and the byproduct material in the product.

This is a Severity Level IV violation (Supplement VI)

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed in Inspection Report No. 999-004/07-001. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; NRC Inspection Report No. 999-0004/07-001" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator RIV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas, 76011, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at [www.nrc.gov/reading-rm/pdr.html](http://www.nrc.gov/reading-rm/pdr.html) and [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Enclosure

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 16<sup>th</sup> day of November 2007