



22 February 2010

Ms. Tamara E. Bloomer, Chief
Materials Inspection Branch, Region III
United States Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

Re: NRC Reactive Inspection Report 030-20567/09-03(DNMS)
American Radiolabeled Chemicals, Inc. (License No. 24-21362-01)

Dear Ms. Bloomer:

BetaBatt is developing tritium-powered betavoltaic power sources known as BetaBatteries™ which will have significant applications in national defense, security and intelligence operations. BetaBatt has worked with American Radiolabeled Chemicals (ARC) at various times since 2003. In each interaction with BetaBatt, ARC personnel have established operations and utilized procedures which were safe and appropriate. This is not only my opinion as an experimental nuclear physicist, but is also the professional evaluation of Ron Buchanan, Ph.D., CHP, a BetaBatt consultant and participant.

BetaBatt would like to respond to Item 6 of your letter dated 28 December 2009 to Dr. Surendra Gupta and the accompanying Notice of Violation. It is not correct to state "... 6) Failure to provide adequate training to BetaBatt employees."

BetaBatt would like to emphasize the following points:

1. On the first day BetaBatt arrived at ARC in April 2008, before any work began, BetaBatt personnel were taken to the RSO's office and discussed ARC's safety requirements and regulations. The work procedures planned by BetaBatt were reviewed to ensure there was no conflict with ARC operations.
2. BetaBatt personnel again reviewed appropriate safety issues and work procedures in the RSO's office on the first day of the second visit in January 2009. Since the BetaBatt participants were the same as the previous year, the discussions were more in the nature of a review, but no less thorough.

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3. Constant surveys and surveillance of BetaBatt personnel and operations were conducted by ARC personnel during both work periods at ARC.
4. The tritium leak and resulting contamination was not at ARC, but instead occurred later from a sealed unit (which was clean when it left the ARC facility) that was sent Florida.
5. The resulting contamination in Florida was a result of a failed seal, not as the result of any lack of oversight by ARC.

The safety requirements at ARC are highlighted in the following page.

In summary, BetaBatt believes that ARC personnel did provide adequate safety training. ARC personnel monitored and enforced compliance with the relevant safety requirements at all times.

Please contact BetaBatt with any questions or comments you may have.

Sincerely,

A handwritten signature in cursive script that reads "Larry L. Gadeken".

Larry L. Gadeken, Ph.D.
President

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BetaBatt, Inc. and ARC Safety Requirements during 12 January 2009 through 17 January 2009 Tritium Handling Process at ARC

Upon arrival at the ARC facility on Monday, 12 January 2009, BetaBatt personnel met with the RSO of ARC in his office to discuss the tritium handling procedures and safety requirements. The main contents of the meeting consisted of the following:

- BetaBatt presented a step-by-step SOP that would be used during the tritium handling procedures at ARC.
- ARC reviewed the proposed SOP and informed BetaBatt of any necessary changes to meet ARC's safety requirements. ARC covered their facility safety requirements with BetaBatt personnel. The highlights of these requirements were:
 - The radioactivity material (RAM) facility was locked and an ARC radiation-responsible person had to be present in facility to allow BetaBatt personnel into the facility.
 - BetaBatt personnel could not be present in the radioactive materials (RAM) handling laboratory unless an ARC radiation-responsible person was also present.
 - A monitor from ARC accompanied BetaBatt personnel while in the tritium handling area to ensure compliance with their safety requirements, and to assist BetaBatt with safety related questions/issues/equipment.
 - All personnel were required to wear the proper PPE at all times they were in the controlled area, and must wash their hands and monitor both hands and shoes before exiting the area.
 - A urine bioassay was collected before any tritium handling work was began, and at the end of each work day. Analyses of these bioassays were performed by ARC personnel.
 - Passing of items from the RAM lab to the cold side of the facility was strictly controlled by ARC.
 - Any items or personnel that had been in the RAM handling facility were monitored for contamination before leaving the facility and cleaned as necessary.
 - The outside of all battery enclosures that BetaBatt assembled at ARC were wiped and analyzed for tritium contamination before packing. All enclosures were below the applicable limits prior to shipping.

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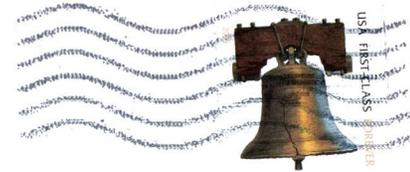
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