

From: Rodriguez-Luccioni, Hector
To: ["Hemann, Joseph"](#)
Cc: [Struckmeyer, Richard](#); [Gonzalez, Hipolito](#); [Herrera, Tomas](#)
Subject: RE: DRS Sustainment 4th Request for Additional Information
Date: Thursday, March 26, 2015 6:09:00 AM

Mr. Hemann,

The regulations under 10 CFR Part 32 were written for the general public to be exempt from regulation. This part of the regulation does not differentiate between a person that has taken training to use radioactive material and a person that has no training. Part 32 allows distribution of devices containing byproduct material to persons that do not require training to possess the device. For this reason the regulation requires that the byproduct material shall be identified on the label in a manner that a person without training knows what is contained within the device. Please provide a label that identifies the byproduct material by using the wording "H-3" or "Tritium."

Any correspondence regarding your application should reference the control number 585018. We will continue our review upon receipt of this information. If we do not receive a reply from you within 15 calendar days from the date of this email, we will assume that you do not wish to pursue your application, and we will take regulatory action regarding your current NRC License, 24-23912-02E.

In accordance with 10 CFR 2.390 of NRC's "Public inspections, exemptions, request for withholding," a copy of this letter will be available electronically for public inspection in NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have any questions please let me know.

Sincerely,

Hector Luis Rodríguez-Luccioni, Ph.D.
U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Division of Materials Safety, States, Tribal and Rulemaking Programs
Material Safety Licensing Branch
(301)415-6004
MS: T-8E18
Hector.Rodriguez-Luccioni@nrc.gov

From: Hemann, Joseph [mailto:JHemann@drs.com]
Sent: Friday, March 20, 2015 3:09 PM
To: Rodriguez-Luccioni, Hector
Cc: Struckmeyer, Richard; Gonzalez, Hipolito; Herrera, Tomas
Subject: RE: DRS Sustainment 4th Request for Additional Information

Mr. Rodriguez-Luccioni,

Our team identified the below regulations regarding labeling. We are confused as we don't believe

the intent of the regulations (see below) requires that the operator of the item is able to identify the byproduct material by its label. The QC procedure requested and provided clearly indicate that the people involved in the functions identified in the regulation (manufacturers) will by training know the byproduct material and how to handle it. As a point of clarification, please point us to the regulation where the equipment operator has to be able to identify the byproduct material?

10 CFR 32.25 b:

(b) Label or mark each unit so that the manufacturer, processor, producer, or initial transferor of the product and the byproduct material in the product can be identified; and

32.22 (a)(2) (x)

(x) The proposed method of labeling or marking each unit with identification of the manufacturer or initial transferor of the product and the byproduct material in the product.

Thanks,

Joe Hemann
Contracts Administrator
314-553-4315

From: Rodriguez-Luccioni, Hector [mailto:Hector.Rodriguez-Luccioni@nrc.gov]
Sent: Tuesday, March 17, 2015 11:38 AM
To: Hemann, Joseph
Cc: Struckmeyer, Richard; Gonzalez, Hipolito; Herrera, Tomas
Subject: DRS Sustainment 4th Request for Additional Information

Mr. Hemann,

This email refers to your letter dated March 10, 2015, Agencywide Documents Access and Management System (ADAMS) Accession No. ML14280A262, which responds to our third request for additional information dated March 3, 2015 (ADAMS Accession No. ML15034A210). In reviewing your letter, we find additional information is required to complete our review.

In our letter dated March 3, 2015, we requested a label that identifies the byproduct material in the product (Tritium, H-3) as required by 10 CFR 32.22(a)(2)(x). In your letter dated May 10, 2015, you provided a drawing of the label and a picture of the device assembly with markings. In your letter you stated that the label and markings include the letters "T2GC," which identifies the byproduct material and radioactivity level per ANSI/HPS N43.4-2000. After reviewing your response we concluded that "T2GC" cannot be considered as an identification of the byproduct material on the device. People using this device will not know that the device contains tritium unless they read the ANSI standard. Please provide a label that identifies the byproduct material by using the wording "H-3" or "Tritium."

Any correspondence regarding your application should reference the control number 585018. We will continue our review upon receipt of this information. If we do not receive a reply from you within 15 calendar days from the date of this email, we will assume that

you do not wish to pursue your application, and we will take regulatory action regarding your current NRC License, 24-23912-02E.

Please be aware that you may request that certain portions of your submittal to the NRC be withheld from public disclosure as proprietary information. To do this, you must execute an affidavit as specified in 10 CFR 2.390. You must list all portions that you wish to be held proprietary, along with your reasoning as to why that is appropriate. While it is allowable, please refrain from submitting proprietary information in support of a license unless necessary. Keep in mind that all NRC licenses are considered to be in the public domain, and therefore may be viewed by any member of the public who requests to see them.

In accordance with 10 CFR 2.390 of NRC's "Public inspections, exemptions, request for withholding," a copy of this letter will be available electronically for public inspection in NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have any questions please let me know.

Sincerely,

Hector Luis Rodriguez-Luccioni, Ph.D.

U.S. Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

Division of Materials Safety, States, Tribal and Rulemaking Programs

Material Safety Licensing Branch

(301)415-6004

MS: T-8E18

Hector.Rodriguez-Luccioni@nrc.gov