

From: [Svajger, Mark A](#)
To: [Reber, Eric](#)
Subject: [External_Sender] RE: RE: RE: RE: 2014 Report of Exempt Distribution; Fluke Electronics Corporation; License No. 34-25957-03E
Date: Thursday, August 13, 2015 9:12:58 AM

Hello Eric,

Sorry I didn't get back to you yesterday. The Am-241 we distribute are sources that are installed in gamma scintillator crystals by the manufacturer. We install these crystals into our gamma scintillation detector and are used for radiation and contamination monitoring / measurements. 10 CFR 30.15 (A)(9)(iii) specifically addresses Am-241. These gamma Scintillation Detectors are primarily distributed to Nuclear Power Plants but can be used for other commercial purposes.

Let me know,

Regards,

Mark Svajger,
Radiation Safety Officer
440-666-9476

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: *Provided, That;*

(i) Each source contains no more than one exempt quantity set forth in § 30.71, Schedule B, and

(ii) Each instrument contains no more than 10 exempt quantities. For purposes of this paragraph (a)(9), an instrument's source(s) may contain either one type or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in § 30.71, Schedule B, provided that the sum of such fractions shall not exceed unity.

(iii) For purposes of this paragraph (a)(9), 0.05 microcurie of americium-241 is considered an exempt quantity under § 30.71, Schedule B.

From: Reber, Eric [mailto:Eric.Reber@nrc.gov]
Sent: Tuesday, August 11, 2015 5:13 PM
To: Svajger, Mark A
Subject: RE: RE: RE: RE: 2014 Report of Exempt Distribution; Fluke Electronics Corporation; License No. 34-25957-03E

I'll be in the office tomorrow from about 7 am till 3:45 pm with a lunch break. I have no appointments on my calendar, so anytime is fine.

From: Svajger, Mark A [mailto:mark.svajger@flukebiomedical.com]

Sent: Tuesday, August 11, 2015 5:06 PM

To: Reber, Eric <Eric.Reber@nrc.gov>

Subject: [External_Sender] RE: RE: RE: 2014 Report of Exempt Distribution; Fluke Electronics Corporation; License No. 34-25957-03E

Dear Mr. Reber,

May I contact you via phone you tomorrow regarding this? If so what time?

Regards,

Mark

From: Reber, Eric [<mailto:Eric.Reber@nrc.gov>]

Sent: Tuesday, August 11, 2015 4:49 PM

To: Svajger, Mark A

Subject: RE: RE: RE: 2014 Report of Exempt Distribution; Fluke Electronics Corporation; License No. 34-25957-03E

Dear Mr. Svajger,

My apologies for not coming back to you sooner. I noticed something in your report that warrants at least clarification.

From what you wrote, it appears that 12 Am-241 check sources were distributed in accordance with 10 CFR 32.18 to persons exempt from licensing under 10 CFR 30.18. 10 CFR 30.18 provides an exemption from licensing requirements for individual quantities of byproduct material that do not exceed the applicable quantity in 10 CFR 30.71, Schedule B, which does not include an authorization for Am-241. Therefore, distribution of Am-241 is not authorized under License No. 34-25957-03E.

Please provide any additional relevant information concerning your distribution of Am-241. Minimally, confirm that you will not distribute Am-241 in the future.

Regards,
Eric

From: Svajger, Mark A [<mailto:mark.svajger@flukebiomedical.com>]

Sent: Tuesday, August 11, 2015 10:22 AM

To: Reber, Eric <Eric.Reber@nrc.gov>

Subject: [External_Sender] RE: RE: 2014 Report of Exempt Distribution; Fluke Electronics Corporation; License No. 34-25957-03E

Dear Mr. Reber,

Please see the attached pdf of the revised transfer report for 2014. I corrected the report to show

10 CFR 32.16 in place of 10 CFR 32.18. I will send this revised report out this evening. Let me know if there are any further issues.

Regards,

Mark Svajger,
Radiation Safety Officer,
Fluke Electronics Corp.

From: Reber, Eric [<mailto:Eric.Reber@nrc.gov>]
Sent: Friday, August 07, 2015 10:28 AM
To: Svajger, Mark A
Subject: RE: RE: 2014 Report of Exempt Distribution; Fluke Electronics Corporation; License No. 34-25957-03E

Dear Mr. Svajger,

I've reviewed your exempt distribution report dated January 26, 2015.

One error in your report that you should correct is the reference to 10 CFR 32.18, which should be 10 CFR 32.16.

I've looked again in our system and I cannot find your letter; therefore, you should send a hard copy of your revised report to this address:

ATTN: Document Control Desk/Exempt Distribution
Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

If you have any questions, please feel free to contact me.

Regards,
Eric

Eric H. Reber
General Engineer/Project Manager
Materials Safety Licensing Branch
Division of Material Safety, State, Tribal, and Rulemaking Programs
US Nuclear Regulatory Commission
Washington, DC 20555-0001
Tel: +1 (301) 415-5608
Office: T-8i04

From: Svajger, Mark A [<mailto:mark.svajger@flukebiomedical.com>]
Sent: Tuesday, July 28, 2015 10:38 AM
To: Reber, Eric
Subject: [External_Sender] RE: 2014 Report of Exempt Distribution; Fluke Electronics Corporation; License No. 34-25957-03E

Dear Mr. Reber,

Please see the attachments. The first attachment is a certified receipt of the annual report and the second attachment has both the annual and the five year report. I didn't make a copy of the annual report on letterhead which is how the report would have been transmitted originally. The five year report was sent in with our renewal application dated October 28, 2014.

Please let me know if this is sufficient.

Regards,

Mark Svajger,
Radiation Safety Officer,
Fluke Electronics Corp.

From: Reber, Eric [<mailto:Eric.Reber@nrc.gov>]
Sent: Monday, July 27, 2015 7:00 PM
To: Svajger, Mark A
Subject: 2014 Report of Exempt Distribution; Fluke Electronics Corporation; License No. 34-25957-03E

Dear Mr. Svajger,

All holders of exempt distribution materials licenses are required to submit annual reports of their distribution of exempt products by January 31 of each year for the preceding year. From a review of our records it appears that you have not submitted a report of the distribution of exempt products under License No. 34-25957-03E for 2014. If you have already submitted such a report or believe that you are not required to submit such a report, please inform me. If you have already submitted a report, please send me a copy of the report so that I can verify that it is in our system. Otherwise, you should submit your report without delay. Information concerning the requirements for such reports is provided below.

License No. 34-25957-03E authorizes the distribution of exempt products pursuant to 10 CFR 32.14 and 32.18. The record keeping and reporting requirements for such licenses are located in 10 CFR 32.16 and 32.20, respectively. The reporting requirements are detailed and prescriptive and should be followed fastidiously.

For your distributions in accordance with 10 CFR 32.14, the record keeping and reporting requirements are as follows:

10 CFR 32.16 Certain items containing byproduct material: Records and reports of transfer.

(a) Each person licensed under § 32.14 shall maintain records of all transfers of byproduct material and file a report with the Director of the Office of Nuclear Material Safety and Safeguards by an appropriate method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution.

(1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(2) The report must indicate that the products are transferred for use under § 30.15 of this chapter, giving the specific paragraph designation, or equivalent regulations of an Agreement State.

(b) The report must include the following information on products transferred to other persons for use under § 30.15 or equivalent regulations of an Agreement State:

(1) A description or identification of the type of each product and the model number(s), if applicable;

(2) For each radionuclide in each type of product and each model number, if applicable, the total quantity of the radionuclide; and

(3) The number of units of each type of product transferred during the reporting period by model number, if applicable.

(c)(1) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year. In its first report after December 17, 2007, the licensee shall separately include data for transfers in prior years not previously reported to the Commission.

(2) Licensees who permanently discontinue activities authorized by the license issued under § 32.14 shall file a report for the current calendar year within 30 days after ceasing distribution.

(d) If no transfers of byproduct material have been made under § 32.14 during the reporting period, the report must so indicate.

(e) The licensee shall maintain the record of a transfer for one year after the transfer is included in a report to the Commission.

For your distributions in accordance with 10 CFR 32.18, the record keeping and reporting requirements are as follows:

32.20 Same: Records and material transfer reports.

(a) Each person licensed under § 32.18 shall maintain records of transfer of material identifying, by name and address, each person to whom byproduct material is transferred for use under § 30.18 of this chapter or the equivalent regulations of an Agreement State and stating the kinds, quantities, and physical form of byproduct material transferred.

(b) The licensee shall file a summary report with the Director of the Office of Nuclear Material Safety and Safeguards by an appropriate method listed in § 30.6(a) of this

chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution.

(1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(2) The report must indicate that the materials are transferred for use under § 30.18 or equivalent regulations of an Agreement State.

(c) For each radionuclide in each physical form, the report shall indicate the total quantity of each radionuclide and the physical form, transferred under the specific license.

(d)(1) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year. In its first report after December 17, 2007, the licensee shall separately include the total quantity of each radionuclide transferred for transfers in prior years not previously reported to the Commission.

(2) Licensees who permanently discontinue activities authorized by the license issued under § 32.18 shall file a report for the current calendar year within 30 days after ceasing distribution.

(e) If no transfers of byproduct material have been made under § 32.18 during the reporting period, the report must so indicate.

Further information about the requirements that apply to annual reports of exempt distribution can be found in the attached Regulatory Issue Summary.

A hard copy of your revised report should be addressed and sent to:

ATTN: Document Control Desk/Exempt Distribution
Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Please be aware that upon your request, proprietary information submitted to the NRC may be withheld from public disclosure. To do this, you must follow the procedures in 10 CFR 2.390(b) including requesting withholding at the time the information is submitted and complying with the document marking and affidavit requirements set forth in 10 CFR 2.390 (b)(1).

If you have any questions, please feel free to contact me.

Regards,
Eric

Eric H. Reber
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Materials Safety Licensing Branch
Division of Material Safety, State, Tribal, and Rulemaking Programs
US Nuclear Regulatory Commission
Washington, DC 20555-0001

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