

From: Reber, Eric
To: ["meissner@meissner-consulting.com"](mailto:meissner@meissner-consulting.com)
Cc: ["Helmut Zimmermann"](#); [Martin Zimmermann](#)
Subject: RE: RE: RE: 2014 Report of Exempt Distribution; HBM Virginia LLC; License No. 45-23954-02E
Date: Wednesday, July 29, 2015 2:36:00 PM
Attachments: [image001.jpg](#)

I think is see where some confusion arose. If you mean to refer to the activity or the specific activity for individual isotopes, you should write, "isotope-specific" with a hyphen. Then it would be "isotope-specific activity" and "isotope-specific specific activity."

I may get back to you with further comments when I have time to more fully review the reports.

Regards,
Eric

From: Joern Meissner [mailto:meissner@meissner-consulting.com]
Sent: Wednesday, July 29, 2015 2:17 PM
To: Reber, Eric
Cc: 'Helmut Zimmermann'; Martin Zimmermann
Subject: [External_Sender] RE: RE: 2014 Report of Exempt Distribution; HBM Virginia LLC; License No. 45-23954-02E

Dear Eric,

for further clarification I am also sending you the two certificates we issued. You are correct, on page 1 each data point represents the individual bag with the highest isotope specific activity concentration (Bq/g). Hence each data point could be a different bag within the shipment. The NRC sum rule is calculated for each bag with the activity concentration thereof and also here the maximum sum rule result is reported for the complete shipment.

Page 1 should have read "isotope specific activity concentration in Bq/g", whereas Page 2 is correct with "isotope specific activity in Bq". "Specific" in "Isotope specific activity" is related to "per isotope". I believe we are referring to the correct section in 10 CFR 32 directly above. I have updated the wording in our template and attached a revised report.

Mit freundlichen Grüßen, Best regards,

Joern

Phone: +49 (89) 30 76 52 20

Cell: +49 (179) 5 41 46 52

From: Reber, Eric [mailto:Eric.Reber@nrc.gov]
Sent: Wednesday, July 29, 2015 15:36
To: meissner@meissner-consulting.com
Cc: 'Helmut Zimmermann'; mz60@gmail.com
Subject: RE: RE: 2014 Report of Exempt Distribution; HBM Virginia LLC; License No. 45-23954-02E

Dear Mr. Meissner,

I'm trying to figure out what you sent me. It seems that you received two shipments in 2014, '2014-001' and '2014-002.' You wrote that each shipment contains multiple bags of gemstones. If I understand you correctly, Page 1 of your report lists the activity of the bags within these shipments that have the maximum activity compared with the other bags in the shipment. Therefore, the activity listed represents the maximum specific activity that may be present in the shipment, if the activity of the maximum bags is applied to the entire shipment. Please confirm my understanding.

You wrote that the report 'mentions the highest sum rule result for any bag inside the batch. As a result, the sum rule cannot be applied to the line-items in the distribution report.' I'm not sure what you mean by this. Can you please explain this further.

Page 2 of your report has a table titled, 'Total Isotope Specific Activity at US-Release date in Bq.' Specific activity is a unit of activity per mass; therefore, Bq alone is an incorrect unit to express specific activity. Please clarify/correct this.

Thank you,
Eric

From: Joern Meissner [<mailto:meissner@meissner-consulting.com>]

Sent: Wednesday, July 29, 2015 6:28 AM

To: Reber, Eric; mz60@gmail.com

Cc: 'Helmut Zimmermann'

Subject: [External_Sender] RE: 2014 Report of Exempt Distribution; HBM Virginia LLC; License No. 45-23954-02E

Dear Eric Reber,

We have transferred byproduct material for use under 10 CFR 30.14 and equivalent regulations of the state of Virginia according to our licenses. We would like to report material transfer during the 2014 calendar year as follows:

- (1) Only finished gemstones which do not require cutting, grinding, or polishing after irradiation have been distributed according to our licenses.
- (2) All material was in the possession of BCS Stones GmbH, Im Spielberg 6, 55296 Harxheim, Germany, at the time the byproduct material was introduced.
- (3) Each line item in the distribution reports pertains to one certified batch delivered to HBM Virginia. Each certified batch can contain multiple bags of gemstones. Please note that the distribution report mentions for each certificate the maximum specific activity for any isotope per bag of the batch that is certified, and also mentions the highest sum rule result for any bag inside the batch. As a result, the sum rule cannot be applied to the line-items in the distribution report.

Please note that this reporting method has been reviewed by Dennis Lawyer, NRC Region I.

In the appendix please find a list of all transferred material, their specific activity and their respective total activity, which we submit as confidential under 10 CFR 2390 (a) (4). The original report will be mailed to you by Martin Zimmermann.

Best regards,
Joern Meissner



Corporate Regulatory Affairs Advisor to BCS Group

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Meissner Consulting GmbH - Registry court: Munich - HRB 143 245 - VAT ID: DE 813464025 - Dr. Joern Meissner Managing Director/Geschäftsführer

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

Sent: Monday, July 27, 2015 21:41

To: mz60@gmail.com

Cc: meissner@meissner-consulting.com

Subject: 2014 Report of Exempt Distribution; HBM Virginia LLC; License No. 45-23954-02E

Dear Mr Zimmermann,

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. 45-23954-02E 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. 45-23954-02E authorizes the distribution of exempt products pursuant to 10 CFR

32.11. The record keeping and reporting requirements for such licenses are located in 10 CFR 32.12. The reporting requirements are detailed and prescriptive and should be followed fastidiously.

32.12 Same: Records and material transfer reports.

(a) Each person licensed under 10 CFR 32.11 shall maintain records of transfer 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 10 CFR 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 byproduct material is transferred for use under 10 CFR 30.14 of this chapter or equivalent regulations of an Agreement State.

(b) The report must identify the:

(1) Type and quantity of each product or material into which byproduct material has been introduced during the reporting period;

(2) Name and address of the person who owned or possessed the product or material, into which byproduct material has been introduced, at the time of introduction;

(3) The type and quantity of radionuclide introduced into each product or material; and

(4) The initial concentrations of the radionuclide in the product or material at time of transfer of the byproduct material by the licensee.

(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 or to an Agreement State.

(2) Licensees who permanently discontinue activities authorized by the license issued under 10 CFR 32.11 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 10 CFR 32.11 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.

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

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