



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

March 1, 2018

Ushio America, Inc.  
ATTN: Rez Motamed  
Senior Manager, Regulatory Compliance  
5440 Cerritos Avenue  
Cypress, CA 90630

SUBJECT: USHIO AMERICA, INC., RESPONSE TO LABELING REQUEST EXEMPT  
DISTRIBUTION LICENSE 04-23968-01E

Dear Mr. Motamed:

This letter refers to your e-mail dated January 14, 2018, requesting a temporary labeling exemption for the lamps in your warehouse in Cypress, California.

The regulation in Title 10 of the *Code of Federal Regulations* (10 CFR) 40.52(a)(4) requires the applicant to provide the proposed method for labeling or marking each unit, and/or its container with the identification of the manufacturer or initial transferor of the product and the source material in the product. You described the difficulties of labeling each product that missed the required labeling during the manufacturing process. We have determined that in lieu of labeling the individual items that you currently possess in your warehouse, you should instead provide a paper insert containing the required labeling information and package this insert with each package that you distribute. Enclosed is an amended copy of your license. Please be aware, this is a temporary solution for labeling and only applies to the products submitted with your e-mail dated January 14, 2018.

You must distribute the products in accordance with the statements and representations contained in your applications, with enclosures thereto, and the information set out in your license. As a general rule, you must request and obtain an amendment to the license before you make changes or modifications to the information submitted to obtain them. You are also obligated to notify us promptly in writing should you decide to no longer distribute the product.

You must conduct your program involving radioactive materials in accordance with the conditions specified in your U.S. Nuclear Regulatory Commission (NRC) license, representations made in your license application, and other rules, regulations, and orders of the NRC, now or hereafter in effect, to include the following:

1. Comply with applicable NRC regulations in 10 CFR Part 40, "Domestic License of Source Material", and other applicable regulations.
2. Distribute only those products containing radioactive material which are specifically authorized in your license.
3. Notify NRC in writing within 30 days of any change in mailing address.

4. In accordance with 10 CFR 40.44 and 46, you must file appropriate documentation with the NRC prior to any changes to your organization; change in locations of distribution of products containing radioactive material, facilities, equipment, procedures; change in the contact person or the person responsible for the quality assurance program for licensed activities; or any other changes in your program which are contrary to the license conditions or representations made in your license application and any supplemental correspondence with the NRC.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You should receive a reminder notice approximately 60 days before the expiration date. Continued distribution of products containing radioactive material after your license expires is a violation of NRC regulations.
6. In accordance with 10 CFR 40.42, request termination of your license if you plan to permanently discontinue activities involving distribution of products containing radioactive material.

You will be periodically inspected by the NRC. Failure to conduct your program in compliance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with the NRC may result in enforcement action(s) against you. This could include issuance of a notice of violation; proposed imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the "General Statement of Policy and Procedures for NRC Enforcement Actions" (NUREG-1600).

Please be aware that, as a holder of an NRC license, you may be subject to the NRC's licensing and inspection fees in accordance with 10 CFR Part 170, and annual fees in accordance with 10 CFR Part 171. If you have any questions concerning the fee requirements, please contact the License Fee and Accounts Receivable Branch at (301) 415-7544.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

R. Motamed

3

If you have any questions regarding the exempt distribution license, please contact me at (301) 415-7640 or by e-mail at [Shirley.Xu@nrc.gov](mailto:Shirley.Xu@nrc.gov).

Sincerely,

**/RA/**

Shirley S. Xu  
Materials Safety Licensing Branch  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 030-37966  
Mail Control No. 602053

Enclosure:  
License 04-23968-01E

R. Motamed

4

USHIO AMERICA, INC., RESPONSE TO LABELING REQUEST EXEMPT DISTRIBUTION  
LICENSE 04-23968-01E

Date: March 1, 2018

**ML18060A014**

<b>OFC</b>	MSST/MSLB	MSST/MSLB	MSST/MSLB
<b>NAME</b>	Shirley Xu	Deborah Weaver	Shirley Xu
<b>DATE</b>	3/1/18	3/1/18	3/1/18

OFFICIAL RECORD COPY