



February 22, 2018

Materials Licensing Branch
U.S. Nuclear Regulatory Commission, Region III
2443 Warrensville Road, Suite 210
Lisle, IL 60532-4352

Dear Sir/Madam,

Enclosed is NRC Form 313, our application for a Material License as found under Title 10 of Federal Regulations 10 CFR Part 170, "Fees for Facilities, Materials, Import and Export Licenses" in order for BWGS, LLC, a wholesale gardening distribution company, to continue to distribute products (metal halide and ceramic metal halide high intensity discharge lamps) containing Krypton-85.

Our role is purely in distribution and sales of said lamps (not manufacturing), each containing an activity level of Kr-85 ranging from 0.07 to 251 nanocuries (nCi) or 0.0025 to 9.3 kBq. The lamps contain a sealed arc tube in which Kr-85 is pre-mixed with small amounts of argon gas inside the arc tube. The Kr-85 is used to improve ionization and starting of the lamp.

This application consists of the following information:

- NRC Form 313 Application for Materials License
- NRC Form 531 Request for Taxpayer Identification Number
- Attachment #1 Item 5. Radioactive Material
Item 6. Purpose for Which Licensed Material Will Be Used
Item 7. Individuals Responsible for Radiation Safety Program, Training
- Attachment #2 Item 8. Training for Individuals Working In or Frequenting Restricted Areas
Item 9. Facilities and Equipment
Item 10. Radiation Safety Program
Item 11. Waste Management

A check for \$9,400, pursuant to Category 31 of the Schedule of Fees in 10 CFR 170.31 for the fee to process this information is also enclosed.

If you have any questions related to this matter, please contact Tony Bayt at (812) 558-9002 or certifications@bwgs.com.

Sincerely,

Ed Moulin
Chief Financial Officer
1410 Hancel Parkway
Mooresville, IN 46158

ATTACHMENT #1

Item 5. Radioactive Material:

- (a) Krypton-85: Krypton-85 (Kr-85) is the physical form of a gas containing Argon and Krypton.
- (b) Kr-85's chemical form is a noble (i.e. non-reactive) gas.
- (c) Maximum Amount of Kr-85 to be Possessed at Any One Time: 0.4 MBq (millicuries)

Item 6. Purpose for Which Licensed Material Will Be Used:

The Kr-85 gas is present in the arc tubes of metal halide and ceramic metal halide H.I.D (High Intensity Discharge) lamps. There is about 0.0025 to 9.3 kBq of Kr-85 gas in each arc tube. Each MH lamp contains one arc tube. Radioactive material does not escape from the intact, sealed arc tube. The self-shielded, or protected, lamps use a quartz tube (shroud) made from fused or amorphous silica to surround the arc tube for containment purposes. The lamps are stored in sleeves and cardboard cartons further contained in cardboard master case boxes.

The lamps are used in indoor gardening applications to grow plants.

The lamps which are distributed and sold by BWGS, LLC on a wholesale basis, are manufactured by:
Nanjing New-High Jingwei Electric Co.
No. 30 Xinke Er Road
Nanjing High-Tech Zone
Nanjing, CHN

Item 7. Individual(s) Responsible for Radiation Safety Program and Their Training and Experience:

While various safety programs such as the Injury and Illness Prevention Program and Training and Handling of HAZMAT Materials programs (which are intended to provide guidance for complying with OSHA guidelines) currently exist, BWGS LLC has no training programs dedicated to radiation safety per se. The lamp products containing Kr-85 comprise approximately 1% of the number of total products distributed.

ATTACHMENT #2**Item 8. Training for Individuals Working In or Frequenting Restricted Areas:**

There are no individuals with assigned duties specifically to products containing radiation material. BWGS LLC is a wholesale gardening distribution company whose warehouse staff is engaged to pick, pack and ship products.

Item 9. Facilities and Equipment:

Due to the fact that (a) we do not manufacture the lamps containing Kr-85, (b) the small number of lamps in relation to the entire quantity of other products distributed (4,000+), (c) the sealed structure of the lamps, and (d) the packaging of the lamps (contained in sleeves, cardboard cartons and cardboard master cases), these lamp products are treated like all other products and housed in safety-approved warehouse racking in accordance with OSHA rules and regulations and local fire code standards.

Item 10. Radiation Safety Program:

No such program currently exists due to the small number of overall products that BWGS LLC distributes containing such minimal amounts of Kr-85 as it relates to the scope of this license application.

Item 11. Waste Management:

Any breakage and subsequent disposal of lamps containing Kr-85 are recycled via local recycling practices according to the Morgan County Solid Waste Management District which is governed by the Indiana Department of Environmental Management. Although it is deemed that any breakage of one or a small number of lamps will result in no significant exposure to the individual, care is taken to properly clean up and dispose of the lamps in accordance with state and local laws.

(10-2017)
10 CFR 30, 32,
33, 34, 35, 36,
37, 39, and 40



APPLICATION FOR MATERIALS LICENSE

Estimated burden per response to comply with this mandatory collection request: 4.3 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the Information Services Branch (T-2 F43), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to Infocollects.Resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

INSTRUCTIONS: SEE THE CURRENT VOLUMES OF THE NUREG-1556 TECHNICAL REPORT SERIES ("CONSOLIDATED GUIDANCE ABOUT MATERIALS LICENSES") FOR DETAILED INSTRUCTIONS FOR COMPLETING THIS FORM: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>. SEND TWO COPIES OF THE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

MATERIALS SAFETY LICENSING BRANCH
DIVISION OF MATERIAL SAFETY, STATE, TRIBAL AND RULEMAKING PROGRAMS
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA,

SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM
DIVISION OF NUCLEAR MATERIALS SAFETY
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:

MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

IF YOU ARE LOCATED IN:

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING,

SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
1600 E. LAMAR BOULEVARD
ARLINGTON, TX 76011-4511

PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS.

1. THIS IS AN APPLICATION FOR (Check appropriate item)

- A. NEW LICENSE
- B. AMENDMENT TO LICENSE NUMBER _____
- C. RENEWAL OF LICENSE NUMBER _____

2. NAME AND MAILING ADDRESS OF APPLICANT (Include zip code)

BWGS, LLC
1410 Hancel Parkway
Mooreville, IN 46158

3. ADDRESS WHERE LICENSED MATERIALS WILL BE USED OR POSSESSED

1410 Hancel Parkway
Mooreville, IN 46158

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Tony Bayt

BUSINESS TELEPHONE NUMBER
812.558.9000

BUSINESS CELLULAR TELEPHONE NUMBER

BUSINESS E-MAIL ADDRESS
certifications@bwgs.com

SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

5. RADIOACTIVE MATERIAL

a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time.

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

9. FACILITIES AND EQUIPMENT.

10. RADIATION SAFETY PROGRAM.

11. WASTE MANAGEMENT.

12. LICENSE FEES (Fees required only for new applications, with few exceptions*)
(See 10 CFR 170 and Section 170.31)

*Amendments/Renewals that increase the scope of the existing license to a new or higher fee category will require a fee.

FEE CATEGORY

3.(I)

AMOUNT ENCLOSED \$

9,400.00

PER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996 (PUBLIC LAW 104-134), YOU ARE REQUIRED TO PROVIDE YOUR TAXPAYER IDENTIFICATION NUMBER. PROVIDE THIS INFORMATION BY COMPLETING NRC FORM 531: <https://www.nrc.gov/reading-rm/doc-collections/forms/nrc531info.html>.

13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 37, 39, AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION

CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE

Ed Moulin- Chief Financial Officer

SIGNATURE

DATE

2-23-18

FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
APPROVED BY			\$		
				DATE	



REQUEST FOR TAXPAYER IDENTIFICATION NUMBER

Estimated burden per response to comply with this mandatory collection request: 15 minutes. The information is required by NRC to process payments to contractors. Send comments regarding burden estimate to the Information Services Branch (T-2F43), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to Infocollects.Resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0188), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

In accordance with the Debt Collection Improvement Act of 1996, you are required to provide your taxpayer identification number. This number may be used to make payments (refunds) or for purposes of collecting and reporting on any delinquent amounts arising out of your relationship with the Federal Government.

Please complete the applicable blocks and fax the completed form to (301) 415-4135. Thank you for your assistance and cooperation. If you have any questions, please contact us. Our telephone number is (301) 415-7554.

Indicate the status of your business:

CORPORATION CITY/STATE GOVERNMENT OTHER (Specify in box below)
 PARTNERSHIP FEDERAL GOVERNMENT INDIVIDUAL

Limited Liability Company

TAXPAYER IDENTIFICATION NUMBER

NRC LICENSE OR REGISTRATION NUMBER(S)

SOCIAL SECURITY NUMBER

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OR

EMPLOYER IDENTIFICATION NUMBER

3	5	-	1	7	0	2	2	5	9
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Under penalties of perjury, I certify that the number shown on this form is my correct taxpayer identification number.

SIGNATURE - TAXPAYER REPRESENTATIVE

NRC LICENSEE OR VENDOR

BWGS, LLC

BILLING ADDRESS

1410 Hancel Parkway
Mooresville, IN 46158

BILLING TELEPHONE NUMBER

8125589000

BILLING EMAIL ADDRESS

certifications@bwgs.com

BWGS
FULL SPECTRUM DISTRIBUTION
1410 Hancel Parkway
Mooresville, IN 46158



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U.S. NRC, Region III
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