

LUMONDI INC

27 W 24<sup>th</sup> Street, Suite 804  
NY, NY 10010  
P: (917) 522 - 3600

May 17, 2018

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

**SUBJECT: REQUEST TO AMEND LUMONDI'S EXEMPT DISTRIBUTION  
LICENSE NUMBER 04-23921-02E**

Sir/Madam:

This letter transmits our request to amend our Exempt Distribution License (EDL) Number 04-23921-02E. The requested amendment is to change the distribution address.

Lumondi, Inc. (Lumondi) is currently licensed by the California Department of Health and Human Services, Radiologic Health Branch North, License No.: 7596-21, to possess sealed source devices (timepieces) for distribution to persons exempt under EDL No.: 04-23921-02E. The current licensee address is 2301 Kerner Blvd., Suite A, San Rafael, California 94901. Lumondi is in the process of requesting termination of the possession license from California concurrent with this EDL amendment request.

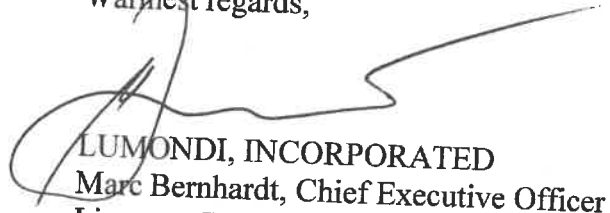
Lumondi wishes to permanently cease distribution from the current licensed facility in San Rafael, CA and move the distribution operations to their new facility at **Ruby Has LLC, Heller Park Court Dayton, New Jersey 08810-1577**. Lumondi has received Radioactive Materials Possession License No.: 767372-RAD170001 (attached) from the New Jersey Department of Environmental Protection, Bureau of Environmental Radiation, Radioactive Materials Program, Mail Code 25-01, P.O. Box 420, Trenton, NJ 08625-0420. The purpose of this license is consistent with the possession license in San Rafael, CA; that is, for distribution of timepieces to persons exempt under EDL No.: 04-23921-02E (or equivalent EDL based on NRC requirements).

Please note that it is not our intent to perform "dual distribution" from both facilities. We are ceasing distribution from the San Rafael, CA facility pending EDL amendment, whereupon which we will only distribute from the Dayton, NJ facility.

REC R61 05 24 18 AM 05:54

Please contact me at (917) 522-3424, [MarcB@lumondi.com](mailto:MarcB@lumondi.com), or Mr. Shane Brightwell at (631) 278-0610, [sbrightwell@scainc.com](mailto:sbrightwell@scainc.com) if you have any questions or comments.

Warmest regards,



LUMONDI, INCORPORATED  
Marc Bernhardt, Chief Executive Officer  
Licensee Certifying Official

ATTACHMENT

New Jersey Radioactive Materials Possession License No.: 767372 - RAD170001



**APPLICATION FOR  
MATERIALS LICENSE**

APPROVED BY OMB: NO. 2150-0120

EXPIRES: 06/30/2019

Estimated burden per response to comply with this mandatory collection request: 4.3 hours. Submitter 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](mailto:InfoCollects.Resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NE08-10202, (3150-0120), Office of Management and Budget, Washington, DC 20503. If a person is 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/r1556/> 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

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 60532-4362

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:

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 78011-4511

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 04-23929-01 E
- C. RENEWAL OF LICENSE NUMBER

2. NAME AND MAILING ADDRESS OF APPLICANT (Include zip code)  
Lumondi Inc.  
27 W 24th Street, Suite 804  
New York, NY 10010

3. ADDRESS WHERE LICENSED MATERIALS WILL BE USED OR POSSESSED  
Ruby Has LLC  
400 Heller Park Court  
Dayton, New Jersey 08810-1577

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION  
Shane Brightwell, CHP, Licensee RSO

BUSINESS TELEPHONE NUMBER 631-278-0610	BUSINESS CELLULAR TELEPHONE NUMBER 631-278-0610
BUSINESS E-MAIL ADDRESS sbrightwell@scainc.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

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|---|--|
| 5. RADIOACTIVE MATERIAL<br>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.                                      |
| 8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.   | 7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE. |
| 10. RADIATION SAFETY PROGRAM.   | 9. FACILITIES AND EQUIPMENT.   |
| 12. LICENSE FEES (Fees required only for new applications, with few exceptions*)<br>(See 10 CFR 170 and Section 170.31)<br>*Amendments/Renewals that increase the scope of the existing license to a new or higher fee category will require a fee. | 11. WASTE MANAGEMENT.  |

FEE CATEGORY	N/A	AMOUNT ENCLOSED \$	0.00
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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: <http://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 - TYPE/PRINTED NAME AND TITLE  
Marc Bernhardt, Chief Executive Officer, Lumondi, Inc.

SIGNATURE

DATE  
5/21/2018

**FOR NRC USE ONLY**

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS

APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_



**State of New Jersey**

Department of Environmental Protection  
Bureau of Environmental Radiation  
Radioactive Materials Program  
Mail Code 25-01  
P.O. Box 420  
Trenton, NJ 08625-0420  
Phone (609) 984-5462 Fax (609) 633-2210

CATHERINE R. MCCABE  
*Acting Commissioner*

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

March 16, 2018

Marc Bernhardt  
LUMONDI, INC.  
27 W 24TH ST  
STE 804  
NEW YORK, NY 10010

RE: New Jersey State Radioactive Materials License - Initial  
LUMONDI, INC.  
Program Interest No.: 767372  
License No.: 767372 - RAD170001

Dear Mr. Bernhardt:

This refers to your 12/1/2017 request for a radioactive materials license. Enclosed with this letter is the license. Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, or if, in your judgement, the Department is imposing any unreasonable conditions in this license approval, please notify me at (609) 984-5462, so that we can provide appropriate corrections and answers. Alternately, you may request a contested case hearing pursuant to N.J.A.C. 7:28-51.1(g). Both the hearing request and stay must be received within 30 days of receipt of this letter.

The New Jersey Department of Environmental Protection (DEP) expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance. Because of the serious consequences to employees and the public that can result from failure to comply with DEP requirements, you must conduct your program according to DEP regulations, the conditions of your DEP license, and the representations made in your application. In particular, note that you must:

1. Operate in accordance with DEP regulations N.J.A.C. 7:28-6.1 and 50.1, [10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," incorporated by reference] and other applicable regulations. This includes performing an annual audit of the radiation safety program as per N.J.A.C. 7:28-6.1 [10 CFR 20.1101(c) incorporated by reference].
2. Notify the DEP in writing of any change in mailing address.

3. Request and obtain a license amendment before you:
  - a) Change Radiation Safety Officers;
  - b) Order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license; or
  - c) Add or change the areas of use, or addresses of use identified in the license application or on the license; or
  - d) Add or change authorized users; or
  - e) Change the name or ownership of your organization.
  
4. In accordance with N.J.A.C. 7:28-51.1 [10 CFR 30.36(d) incorporated by reference], within 60 days of any of the following, notify the DEP in writing, and request termination of the license
  - a) When you decide to permanently cease all activities involving materials authorized under the license; or
  - b) No principal activities under the license have been conducted for a period of 24 months; or
  - c) If you decide not to acquire or possess and use authorized material.
  
5. Submit a complete renewal application or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of DEP regulations.

You will be periodically inspected by the DEP. Failure to conduct your program safely and in accordance with DEP regulations, license conditions, and the representations made in your license application and supplemental correspondence with DEP will result in enforcement action against you. This could include issuance of a notice of violation, imposition of a monetary penalty, or an order suspending, modifying or revoking your license.

Current DEP regulations and guidance are included on the DEP's website at [www.agreementstate.nj.gov](http://www.agreementstate.nj.gov) where you can also sign up for the Radioactive Materials Program listserve.

Thank you for your cooperation.

Sincerely,



Catherine L. Biel  
Radioactive Materials Program

CC w/ Enclosure: Shane Brightwell, CHP, Radiation Safety Officer

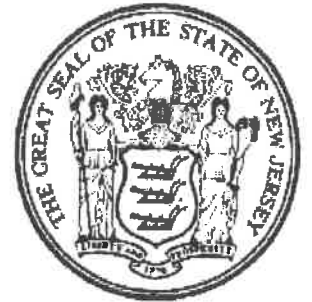
**LUMONDI, INC.**  
767372 RAD170001 RAD Materials License -New License  
Requirements Report

**Subject Item: PI 767372 -**

1. This licensee must confine use of radioactive materials to the materials, physical forms, maximum possession limits, authorized uses and authorized users listed in section A of this license document. Licensed material shall only be used at the locations and/or within devices specified in sections B and C of this license document. [N.J.A.C. 7:28-51.1]
2. Compliance with State and Federal agencies having jurisdiction and regulations for radioactive materials must be maintained. [N.J.A.C. 7:28-51.1]
3. Licensed material shall not be used in or on human beings except as provided otherwise by specific condition of this license. [N.J.A.C. 7:28-51.1]
4. In addition to the possession limits in section A, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in N.J.A.C. 7:28-51.1 (10 CFR 30.35(d)) for establishing decommissioning financial assurance. [N.J.A.C. 7:28-51.1]
5. This license does not authorize commercial distribution of licensed material. [N.J.A.C. 7:28-51.1]
6. The licensee shall not acquire licensed material in a sealed source or device unless the source or device has been registered with the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or equivalent regulations of an Agreement State. [N.J.A.C. 7:28-51.1]
7. The licensee shall conduct a physical inventory every six months to account for all radioactive materials received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory. [N.J.A.C. 7:28-51.1]
8. The licensee is authorized to transport licensed material only in accordance with the provisions of N.J.A.C. 7:28-61.1 (10 CFR Part 71), Packaging and Transportation of Radioactive Material. [N.J.A.C. 7:28-51.1]
9. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, specified in section D of this license document. [N.J.A.C. 7:28-51.1]



New Jersey Department of Environmental Protection  
Bureau of Environmental Radiation  
Radioactive Materials Program  
Mail Code 25-01  
P.O. Box 420  
Trenton, NJ 08625-0420  
Phone (609) 984-5462  
Fax (609) 633-2210



## Radioactive Materials License

Pursuant to the Radiation Protection Act (N.J.S.A. 26:2D) and the Radiation Code (N.J.A.C. 7:28, et seq.), as amended, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer radioactive material(s) designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations. This license is subject to all applicable rules, regulations, and orders of the New Jersey Department of Environmental Protection, now or hereafter in effect, and to any conditions specified below.

### DOCUMENT INFORMATION

<b>Program Interest (PI) ID:</b> 767372	<b>Issuance Date:</b> 3/16/2018
<b>License Number:</b> 767372 - RAD170001	<b>Expiration Date:</b> 3/31/2028

### ADMINISTRATIVE INFORMATION

<b>Licensee Name and Administrative Address</b> LUMONDI, INC. 27 W 24TH ST STE 804 NEW YORK, NY 10010	<b>Administrator:</b> Marc Bernhardt  <b>Radiation Safety Officer:</b> Shane Brightwell, CHP
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### PROGRAM INFORMATION

Program Code	Description
83215	Byproduct Material Possession Only - Incident to Distribution

### LICENSE CONDITIONS

**This license is subject to the following conditions:**

- Section A – Authorized Materials, Form, Limits, Uses & Users
- Section B – Authorized Locations
- Section C – Source & Device Inventory
- Section D – Supporting Documents
- Section E – License Conditions

**This license, which shall be effective immediately, is issued on behalf of the Department under the authority of:**

Signature:  3/16/2018  
Name: Catherine L. Biel Date

**SECTION A – Materials, Form, Limits, Uses & Users**

Material	Form	Max Limit	Authorized Uses	Authorized Users
Hydrogen-3 (Tritium)	Sealed Source	500 curies	Non-Human Use – Possession and storage of items listed in Section C of this license document.	Shane Brightwell, CHP Edgardo Llave Steve Martin Robert Massengill, NRRPT

**SECTION B – Authorized Locations**

Site ID	Site Name	Address	Location Description
5182	RUBY HAS LLC	400 HELLER PARK CT Dayton	Storage, Possession, Use: Designated secure area in the east end of the mezzanine

**SECTION C – Source and Device Inventory**

ID	Source Type	Source Mfg	Source Model #	Source Description
1394102	Gas Sources	MB-Microtec (USA)	400/1, 400/2, 400/3, 400/4, 400/5, 400/6	Hydrogen-3 - not to exceed 25 mCi per timepiece: Mb-Microtec Models 400/1, 400/2, 400/3, 400/4, 400/5, 400/6

**SECTION D – Supporting Documents**

Doc Type	Title/Description	Date	Contact Name (signature)
Radioactive Material License Application	Initial Application (RAD170001)	12/1/2017	Marc Bernhardt
Facsimile	Additional information in support of RAD170001	1/31/2018	Shane Brightwell, CHP

**SECTION E – License Conditions (Requirements Report attached)**