

FEB - 3 1995

MEMORANDUM FOR: Carl J. Paperiello, Director
 Division of Industrial and
 Medical Nuclear Safety, NMSS

FROM: Paul H. Lohaus, Deputy Director
 Office of State Programs

SUBJECT: CALIFORNIA RESPONSE - MEASUREX CASE

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This is in response to the December 21, 1994 memorandum to me (enclosed) on Measurex Corporation's device labeling practices.

Also enclosed is the California response to questions raised about Measurex Corporation's device labeling practices. The State's response to questions regarding labeling practices at other California manufacturers is also addressed.

We would appreciate receiving any comments you may have on the State's response.

Enclosures:
As stated

Distribution:

RBangart
 PLOhaus
 DIR RF
 LBo7ling
 NMSS file
 California file
 DCD (SP01) PDR YES X NO
 G:\MEASUREX.LAB

OFC	OSP:SA <i>PL</i>	OSP:DD <i>PL</i>	OSP:D <i>PL</i>					
NME	LBo7ling:dr	PLohaus	RBangart					
DTE	01/27/95	01/27/95	2/03/94					

9502080134 950203
 PDR STPRG ESGCA
 PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 3, 1995

MEMORANDUM FOR: Carl J. Paperiello, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

FROM: Paul H. Lohaus, Deputy Director
Office of State Programs

A handwritten signature in cursive script, appearing to read "Paul H. Lohaus".

SUBJECT: CALIFORNIA RESPONSE - MEASUREX CASE

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Enclosures:
As stated



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20545-0001

December 21, 1994

PLM 12/23/94

MEMORANDUM TO: Paul Lomaus, Director
Office of State Programs

FROM: Steven L. Baggett, Section Leader *[Signature]*
Sealed Source Safety Section
Source Containment and
Devices Branch, INNS/NSSS

SUBJECT: MEASUREX CORPORATION - A CALIFORNIA LICENSE

My staff recently received several phone calls from Mr. Upton Becker of the Meyerhauser Company located in Wisconsin. Meyerhauser Company uses gauges under a general license. These gauges contain Krypton-85 and are used to measure thickness. Meyerhauser Company issued a contract to Measurex for several new gauging devices. Mr. Becker expressed some confusion with the Measurex terminology of nominal activity. According to Measurex, they have an agreement with the State of California, to label all devices with 1.5 curies and ship a lesser activity in the few hundred millicuries as requested by Meyerhauser Company without changing the label. My staff explained to Meyerhauser that the product not only had to have the actual activity but also the date of assay. Mr. Becker later obtained the appropriate labels for the equipment from Measurex.

I have not directly contacted Measurex at this time. I suggest that OSP contact the State of California to determine if this is a valid agreement. If this is so, please explain how gauges can be used and shipped in accordance with the regulation by using this nominal activity concept. Also, if this is standard practice for all California manufacturers, please advise us as to the outcome of your efforts.

94-225010



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20585-0001

January 9, 1995

Mr. Edgar D. Bailey, CHP, Chief
Radiologic Health Branch
State Department of Health Services
601 North 7th Street
Sacramento, CA 95814-0208

Dear Mr. Bailey:

We have been informed, by a general licensee, that Measurex Corporation labels their devices with a nominal activity equal to the maximum activity rated for a particular device design. The devices are then shipped with a lesser activity as requested by the individual customer. (Please see enclosed memorandum from S. Baggett to me dated December 21, 1994.)

We would appreciate your checking into this matter and advising us of the approach followed by Measurex for the labelling of devices distributed to general licensees. Please note that 10 CFR 32.51(a)(3)(ii), which covers labelling requirements for generally licensed devices, requires that manufacturers and distributors label each device with the radioactive material by isotope, quantity of activity and the date of determination of the quantity.

If you find that Measurex's labelling practices vary from this requirement, we would also appreciate your informing us whether similar variations in labelling may be practiced by other California licensed manufacturers and distributors of generally licensed devices.

We would appreciate a response by February 3, 1995. If you have any questions, please contact me or Lloyd Bolli, of my staff.

Sincerely,

Dennis M. Sollenberger for
Paul H. Lohaus, Deputy Director
Office of State Programs

Enclosure:
As stated

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