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electronic mail transmission

from:

to:

Mr. John Jankovich

Patrick J. Kronenwetter

company:

Nuclear Regulatory Commission

date:

05/16/00

e-mail address::

jjp2@nrc.gov

total no. of pages including cover & Attachemnts:

1

RE:

IMS Messsysteme GmbH

sender's reference number:

IMSGmbH.61

Dear Mr. Jankovich:

Further to our telephone conversation on May 10, 2000, I would like to request a meeting with NRC at which our client, IMS Messsysteme GmbH ("IMS GmbH") can present its position on the servicing of computer software problems with its customers' gauges, that are not directly related to the sealed sources. We understand your position that you cannot provide a definite answer to my earlier question on this subject without knowing more facts, and we would like to clarify the issue for your benefit.

In view of the ten working day public notice requirement for such a meeting, and noting the upcoming Memorial Day holiday, it would seem that the earliest realistic date for a meeting would fall during the week of June 5. Depending on your schedule and that of other NRC personnel who might participate, I suggest either June 5, 7, or 8. June 12 is a holiday in Germany, and I cannot confirm availability of our client's representatives on that date, but the rest of that week is generally open. If possible, we ask that the meeting begin in the late morning or early afternoon, to permit same-day travel to Washington from Pittsburgh and Chicago.

Please let me know by phone, fax or return email if any of these dates is acceptable, and whether NRC will require an agenda and/or attendee list in advance of any meeting.

Very truly yours,

LAW OFFICES GERHARD E.W. KELTER, JR.

Patrick J. Kronenwetter

cc: Hendrik Schultes

Received: from igate.nrc.gov ([148.184.176.31])
by smtp (GroupWise SMTP/MIME daemon 4.1 v3)
; Tue, 16 May 00 17:45:41 EDT
Received: from nrc.gov
by smtp-gateway ESMTPœ id RAA07193
for <JPJ2@nrc.gov>; Tue, 16 May 2000 17:45:28 -0400 (EDT)
From: Lawgekcgo@aol.com
Received: from Lawgekcgo@aol.com
by imo-r20.mx.aol.com (mail_out_v26.7.) id f.9c.3bec4ad (14376);
Tue, 16 May 2000 17:44:39 -0400 (EDT)
Message-ID: <9c.3bec4ad.26531b46@aol.com>
Date: Tue, 16 May 2000 17:44:38 EDT
Subject: IMSGmbH.61
To: JPJ2@nrc.gov
CC: hendrik.schultes@ims-gmbh.de
MIME-Version: 1.0
Content-Type: multipart/mixed; boundary="part1_9c.3bec4ad.26531b46_boundary"
X-Mailer: AOL 5.0 for Windows sub 70

From: <Lawgekcgo@aol.com>
To: TWFN_DO.twf4_po(JPJ2)
Date: Tue, May 16, 2000 5:44 PM
Subject: IMSGmbH.61

Statement of Confidentiality

This e-mail message and its contents are intended solely for the addressee(s) hereof. In addition, this e-mail transmission may be confidential and it may be subject to the privilege protecting communications between attorneys and their clients. If you are not the named addressee, or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not in any way meant to waive the privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply e-mail; we also request that you immediately delete this message and its attachments, if any.

CC: GATED.nrcsmtp("hendrik.schultes@ims-gmbh.de")

NRC FORM 549 (9-94) NRCMD 3.5		U.S. NUCLEAR REGULATORY COMMISSION		MEETING <input checked="" type="checkbox"/> NEW <input type="checkbox"/> REVISED		MEETING NOTICE NUMBER (FOIAL/PDR BRANCH WILL COMPLETE)	
PUBLIC MEETING ANNOUNCEMENT DATA INPUT							
<i>(Fields with shaded headings are mandatory)</i>							
NRC MEETING CONTACT							
NAME				COMMERCIAL TELEPHONE <i>(Include Area Code)</i>		FACSIMILE TELEPHONE <i>(Include Area Code)</i>	
John P. Jankovich				(301) 415 - 7904		(301) 415 - 5369	
MEETING DATE(S) AND TIME(S) (up to three entries)							
MEETING DATE(S) <i>(Use MM/DD/YY format)</i>				MEETING TIME(S) <i>(Circle a.m. or p.m.)</i>			
FROM		TO		BEGINNING		ENDING	
6/8/00		6/8/00		1:00		2:00	
				<input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.		<input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	
				<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.		<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	
				<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.		<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	
MEETING LOCATION							
BUILDING One White Flint				STREET ADDRESS 11555 Rockville Pike			
ROOM NUMBER 0-11B2				CITY AND STATE Rockville, Md.			
PURPOSE OF MEETING (96 characters available)							
To discuss content and procedure to amend sealed source/device registration							
COMMENTS (96 characters available)							MEETING (CHECK ONE)
							<input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC
DOCKET OR PROJECT NUMBER		FACILITY NAME					
NR-375-D-101-B		Isotopen Messsysteme GmbH, Heiligenhaus, Germany					
ORGANIZATIONS IN ATTENDANCE							
NRC OFFICES/REGIONS <i>(Offices only - DO NOT use Divisions, Branches, etc.)</i>				OUTSIDE PARTICIPANTS <i>(Company/Licensee/Agency Names - avoid abbreviations)</i>			
NMSS, OGC, Region I				P. Kronenwetter, Law Offices of G.E.W. Kelter, Chicago, IL.			
APPROVAL <i>(Required for fewer than 10 calendar days advance notice)</i>							
SIGNATURE -- BRANCH CHIEF John W. Hickey, Chief, MSIB/IMNS/NMSS						DATE 5/18/00	
RETURN THIS FORM TO: MEETING NOTICE COORDINATOR, MAIL STOP T-6 D8 FACSIMILE (301) 415-5130, TELEPHONE (301) 415-7092, E-MAIL: PMNS							

Proposed Agenda For June 8, 2000 Meeting with The Nuclear Regulatory Commission

Introductions – John Buckman

JB to introduce all persons with brief description of titles and responsibilities.

JB state that we sought this meeting to explain to the NRC that status of IMS Inc. is now not as a distributor of our products. We are the manufacturer of devices :

NR-375-D-102-S	Device 5245	Cs-137, (50Ci thickness)
NR-375-D-101-B	Device 5221	Am-241, (5 Ci thickness)
NR-375-D-104-S	Device 5321	Cs-137, (9 channel tube)
NR-375-D-103-S	Device 5301	Cs-137, (wall thickness)

We wish to discuss with the NRC our desire to come forward as the manufacturer of these devices, to be as open with the NRC as possible, and seek guidance from the NRC.

Background – Rainer Fackert

Give a description of the events that lead up to the current situation with IMS Measuring Systems Inc, the concerns for and by our customers, and our desire to “do the right thing”. In other words, how did we get where we are.

Legal Status – Patrick Kronenwetter

Description of the legal issues and what the current state of affairs are.

Customer Concerns – John Buckman

- Review number of isotope gauges and who those customers are.
- Review our concerns that IMS Measuring Systems Inc is not servicing those customers.
- Review of customers that will not be able to receive their devices for operation of their mills. Note that our gauges are usually the primary mill sensor. Breakdown of this device could mean the shutting down of entire facilities.
- Currently, there are no gauge failures or breakdowns of our equipment, but we are very concerned about the customer.

Possible Solutions – Sue Engelhardt

Sue to discuss with NRC what solutions may be possible. Could be made an additional distributor of the devices, or transfer the devices to IMS Systems Inc. Review timeframes involving each option, and poll the NRC for recommendations.

NRC Recommendation – John Buckman

Ask the NRC what we should do, discuss our dedication to doing this, and review again the time frames involved for each option.

Conclusion – ALL

Open discussion of all parties as to what steps will be taken.

June 14, 2000

NOTE FOR: File (Document: ML003723578, Package: ML003723576)
NR-375-D-101-B
NR-375-D-102-S
NR-375-D-103-S
NR-375-D-104-S

FROM: John P. Jankovich /RA/Susan Engelhardt
Materials Safety and Inspection Branch, IMNS

SUBJECT: MINUTES OF MEETING WITH IMS SYSTEMS, INC.
JUNE 8, 2000

Representatives of IMS Systems, Inc. (IMS) requested the meeting with the NRC staff to discuss the process to amend the above registration certificates. The devices, registered in these certificates, are manufactured in Germany by IMS Messsysteme GmbH, and had been distributed in the U.S. by Isotope Measuring System, Inc., Cranberry Twp, PA.

IMS staff presented the following issues:

- IMS/Germany terminated the business relationship in March 2000, with the distributor in Cranberry Township, Pennsylvania;
- the new distributor is to be IMS Systems, Inc., incorporated in the State of Georgia, and with a site in Wexford, Pennsylvania;
- IMS want to support the present customers by servicing the devices, but presently the previous distributor is licensed to do that;
- presently there are 19 units in use in the U.S.; routine servicing consist of monthly calibrations and wipe tests. The users are licensed to perform this activity;
- repairs, if needed, are mostly circuit board replacements, microswitch replacements, no problems were experienced with the sources or the shutters.

The NRC participants outlined to the IMS representatives that

- as a short term issue, IMS must apply for a license to Region I to be able to perform servicing and repairs;
- as a longer term issue, IMS must request an amendment of their certificates to change the distributor. The amendment request must address all sealed-source-and-device functions which the distributor performs such as receipt inspections, quality assurance, changes on labels, designation of contact in the operation and service manuals.

Participants:

IMS: John Buckman
Rainer Fackert
Frank Festa
Patrick Kroenenwetter
Susan Engelhardt

NRC: John Hickey
Frederick Sturz
Maria Schwartz
John Jankovich
Anthony Kirkwood
Seung Lee

June 8, 2000

Mtg with IMS/Germany

John Jankovich

PATRICK J. KROENWEITER

SUSAN ENGELHARDT

MARIA E. SCHWARTZ

FRANK FESTA

JOHN BUCKMAN

Rainer Facherz

FRITZ STORZ

Seung Lee

Tony Kirkwood

John Hickey

NRC

LAW OFFICES

KELTER

ENGELHARDT

& ASSOC. INC.

NRC - OGC

IMS SYSTEMS INC. 724-490-7163

IMS SYSTEMS INC 724-940-7160

IMS GmbH 724-740-7160

NRC/NMSS/IMNS (301) 415-7273

NRC/NMSS/IMNS (301) 415-5787

NRC 301 415-6140

NRC 301 415-7231

From: John Jankovich
To: INTERNET: Lawgekcgo@aol.com
Date: Wed, Jun 21, 2000 1:24 PM
Subject: Re: IMSGmbH.61

Mr. Kronenwetter,

In response to your e-mail dated June 19, 2000:

1. I am sending you a copy of the minutes of our meeting on June 8, 2000 for your information, attached below; and
 2. please note that to the best of my knowledge Mr. George Burnet of IMS, Inc. did not request a meeting with the NRC staff.
- John J.

June 14, 2000

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NR-375-D-101-B
NR-375-D-102-S
NR-375-D-103-S
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Rainer Fackert
Frank Festa
Patrick Kroenenwetter
Susan Engelhardt

NRC: John Hickey
Frederick Sturz
Maria Schwartz
John Jankovich
Anthony Kirkwood
Seung Lee

CC: FCS, JWH1

Mail Envelope Properties (3950FA39.4E3 : 3 : 20021)

Subject: Re: IMSGmbH.61
Creation Date: Wed, Jun 21, 2000 1:24 PM
From: John Jankovich

Created By: TWFN_DO.TWF4_PO:JPJ2

Recipients	Action	Date & Time
Post Office INTERNET Lawgekcgo (INTERNET: Lawgekcgo@aol.com)	Transferred	06/21 1:24 PM
Post Office TWFN_DO.twf4_po FCS CC (FCS) JWH1 CC (JWH1)	Delivered Opened	06/21 1:24 PM 06/21 2:01 PM
Domain.Post Office INTERNET TWFN_DO.twf4_po	Delivered 06/21 1:24 PM	Route INTERNET:aol.com TWFN_DO.twf4_po

Files	Size	Date & Time
MESSAGE	7806	Wednesday, June 21, 2000 1:24 PM

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened