

Cassata, James

From: Cassata, James
Sent: Thursday, August 20, 2015 7:38 AM
To: 'mayaprism@gmail.com'; 'andy@prismgroup.in'
Cc: Reber, Eric; Welling, Blake (Blake.Welling@nrc.gov)
Subject: 2014 Exempt Distribution Report; Prism (USA) Inc.; License No. 31-35116-01E
Attachments: RIS 2014-10 Exempt Distribution.pdf; Example Annual Report of Distribution of Exempt Byproduct Material Pursuant to 10 CFR 32.12.docx

NRC License No. 31-35116-01E
Docket No. 030-38697
Licensee Name: Prism (USA), Inc.
President: Alpesh (Andy) Jivani, 212-596-4163, andy@prismgroup.in

Mr. Jivani/ Ms. Nayee,

As discussed during your onsite inspection on August 19, 2015, attached is information required pursuant to 10 CFR 32.12 - Records and Material Transfer Reports. Per your request, I am also attaching an example form that you could use by filling in the table. Between what I and Mr. Reber (NRC) have sent you in previous e-mails, you should be able to complete the report for 2014 and send it in as soon as possible to restore compliance.

Please keep in mind that if you submit any information to the NRC that you feel is proprietary information that may be required to be withheld from public disclosure, then you must follow the procedures in 10 CFR 2.390(b) including requesting withholding at the time the information is submitted and complying with the document marking and affidavit requirements set forth in 10 CFR 2.390 (b)(1).

Here are links to other 10 CFR sections that would be of specific interest to you.

[10 CFR 2.390 Public inspections, exemptions, requests for withholding](#)

[10 CFR 19 NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS](#) (see specifically 10 CFR 19.11 Posting of notices to workers.)

[10 CFR 20 STANDARDS FOR PROTECTION AGAINST RADIATION](#) (referenced in 10 CFR 19.11 above)

[10 CFR 30 RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL](#) (see specifically 10 CFR 30.14, 30.33, 30.38 and 30.70)

[10 CFR 32 SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL](#) (see specifically 10 CFR 32.11 and 32.12)

[§ 32.12 Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: Records and material transfer reports.](#)

On a separate issue, please remember to send me, as an example, one of the technical reports from your consultant, International Isotopes Inc., showing the gamma spectroscopy and scintillation counting measurements taken to provide the Certificate of Release for each group/lot of gemstones that have been irradiated and have undergone a potential radioactive activation to introduce byproduct material that would fall under your NRC license. I will be holding an inspection exit meeting by phone with you once I receive the information required.

If you have any questions please don't hesitate to contact me.

Thank you,

James R. Cassata, Ph.D., CHP

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From: Reber, Eric
Sent: Monday, July 27, 2015 6:40 PM
To: 'mayaprism@gmail.com' <mayaprism@gmail.com>
Subject: 2014 Exempt Distribution Report; Prism (USA) Inc.; License No. 31-35116-01E

Dear Maya Nayee,

All holders of exempt distribution materials licenses are required to submit annual reports of their distribution of exempt products by January 31 of each year for the preceding year. From a review of our records it appears that you have not submitted a report of the distribution of exempt products under License No. 31-35116-01E for 2014. If you have already submitted such a report or believe that you are not required to submit such a report, please inform me. If you have already submitted a report, please send me a copy of the report so that I can verify that it is in our system. Otherwise, you should submit your report without delay. Information concerning the requirements for such reports is provided below.

License No. 31-35116-01E authorizes the distribution of exempt products pursuant to 10 CFR 32.11. The record keeping and reporting requirements for such licenses are located in 10 CFR 32.12. The reporting requirements are detailed and prescriptive and should be followed fastidiously.

32.12 Same: Records and material transfer reports.

(a) Each person licensed under 10 CFR 32.11 shall maintain records of transfer of byproduct material and file a report with the Director of the Office of Nuclear Material Safety and Safeguards by an appropriate method listed in 10 CFR 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution.

(1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(2) The report must indicate that the byproduct material is transferred for use under 10 CFR 30.14 of this chapter or equivalent regulations of an Agreement State.

(b) The report must identify the:

(1) Type and quantity of each product or material into which byproduct material has been introduced during the reporting period;

(2) Name and address of the person who owned or possessed the product or material, into which byproduct material has been introduced, at the time of introduction;

(3) The type and quantity of radionuclide introduced into each product or material; and

(4) The initial concentrations of the radionuclide in the product or material at time of transfer of the byproduct material by the licensee.

(c)(1) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year. In its first report after December 17, 2007, the licensee shall separately include data for transfers in prior years not previously reported to the Commission or to an Agreement State.

(2) Licensees who permanently discontinue activities authorized by the license issued under 10 CFR 32.11 shall file a report for the current calendar year within 30 days after ceasing distribution.

(d) If no transfers of byproduct material have been made under 10 CFR 32.11 during the reporting period, the report must so indicate.

(e) The licensee shall maintain the record of a transfer for one year after the transfer is included in a report to the Commission.

Further information about the requirements that apply to annual reports of exempt distribution can be found in the attached Regulatory Issue Summary.

A hard copy of your revised report should be addressed and sent to:

ATTN: Document Control Desk/Exempt Distribution
Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Please be aware that upon your request, proprietary information submitted to the NRC may be withheld from public disclosure. To do this, you must follow the procedures in 10 CFR 2.390(b) including requesting withholding at the time the information is submitted and complying with the document marking and affidavit requirements set forth in 10 CFR 2.390 (b)(1).

If you have any questions, please feel free to contact me.

Regards,
Eric

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