

From: Elizabeth Ullrich
To: TWD2.TWP8.BWS1
Date: 10/7/96 10:51am
Subject: Bortolot - more info

Brian,

The Bortolot license was last inspected in December 1992. It is a one-person operation. At the time, he had one SR-90 source he used in a device, and Am-241 source he used in another device, and a Sr-90 source he used to calibrate devices. According to a note attached to the file, Baggett decided at the time, that the devices Bortolot had on hand are "grandfathered" and so don't fall under 32.210. New devices would fall under 32.210. Bortolot is authorized for sealed sources (100 mCi Sr-90 and 1 mCi am-241) for use in the devices described in his application, and a 1 uCi Sr-90 source for calibration.

Betsy

phone conversation
record, will send
me a copy

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SSD
PDR

TELEPHONE CONVERSATION RECORD		Date: 12/18/92	Time: 2:00 pm
Mail Control No.:	License : 06-17253-01	Docket No.: 030-12440	
Person Called: Steven Baggett	Organization: NMSS - Sealed Sources	Telephone Number: (301) 504-2542	
Person Calling: Duncan White			
Subject: Victor Bortolot's custom device			
<p>Summary: In response to Region I's inspection conducted of the above license on December 17, 1992, the following issues were raised: 1) Does the device currently used by the licensee required to registered under 10 CFR 32.210?; 2) Does the device meet the requirements for a Category I irradiator (self-shielded)?; and 3) What would the most appropriate program code for this licensee. Regarding the first issue, Mr. Baggett stated that devices in use prior to 1982 were grandfathered under 32.210. Since the licensee's device was described in his license application in 1981, the device currently in use does not require to be registered under 32.210. Regarding the second issue, the licensee's device would not meet the requirements of a self-shielded irradiator because the criteria for a Category I irradiator, described as recently as the soon to be finalized Part 36 which in turn is based on ANSI criteria, require that human access to the sealed source and to the space subject to irradiation is not physically possible. The licensee's device does not meet this test since the licensee installed the source within the device himself and acknowledged during the inspection that removal of the source would be performed if found to be leaking. With regard to the final issue, Mr. Baggett and I concurred that the licensee's activities most closely are described by program code 03122, measuring systems analytical instruments. The licensee's device is similar to a x-ray fluorescence device in that it measures the thermoluminescence of a sample and does not fit any of the other measuring system categories (i.e. fixed gauges, portable gauges, gas chromatographs or other systems).</p>			
<p>Action Required/Taken: Provided program code information to Sandra Kimberley by phone on December 21, 1992 to clarify program code status of licensee; leave note in docket file for license reviewer to ensure authorized use is properly addressed during the renewal of this license.</p>			
Signature: <i>Duncan White</i>		Date: 12/21/92	

T. Rich

BORTOLOTT
DAYBREAK
CORPORATION

U.S. Nuclear Regulatory Commission, Region I
Nuclear Materials Safety Section B
475 Allendale Road
King of Prussia, PA 19406

11 December 1995

Dear Sirs:

M. Baggett

Back in March 1992, I requested renewal of my radioisotopes license 06-17253-01 and paid the appropriate renewal fee. At that time I thought it worthwhile to include additional sources and irradiation devices that might be needed in case of expanded business. Mr. Steven Baggett, of the sealed source safety section in Washington, informed me by letter earlier this year that certificates would be needed for all additional devices. The expense for certification is not justified at this time, and in fact, the need for additional sources and devices has not materialized. I have wished to discuss this with Mr Baggett, but I have been unable in repeated attempts to reach him by phone.

In order to bring the renewal to a conclusion, I wish to re-submit the application in its original form without the additions, that is, as submitted in 1981 and 1986. According to the submission procedure for 1992, only changes from the previous application need be included. Therefore, as you have those earlier applications on file, please use them as the current submission. I understand that no further information is needed at this time.

Please note the change in mailing address: the TL authenticity dating business has been separated from Daybreak Nuclear and Medical Systems for business reasons (though, as the license is mine personally, it doesn't much matter which corporate name is used: I own both).

Thank you very much.

Sincerely,



Victor J. Bortolot, Ph.D.
Technical Director

4602090002 1p-
cc: Steve Baggett

50 Denison Drive Guilford, CT 06437 USA

phone/fax +1 (203) 453-3299

November 16, 1995

Dr. Victor J. Borolot
Daybreak Nuclear and Medical Systems, Inc.
50 Denison Drive
Guilford, CT 06437

Dear Dr. Borolot:

This letter is in response to your letters dated March 4, 1993, and March 20, 1992, requesting registration of the Model TL Measurement System and my letter dated March 1, 1995, which requested additional information in order to continue our evaluation of your request. In addition, a member of my staff called you on September 22, 1995, and informed you that we have not received the requested information. To date, the requested information has not been received. If we do not receive the requested information within (30) days of the date of this letter we will have considered your application as having been abandoned by you. This is without prejudice to the resubmission of a complete application.

If you have any questions, please contact Thomas Rich at (301) 415-7893 or Mr. Steven Baggett at (301) 415-7273.

Sincerely,

Steven L. Baggett, Section Chief
Sealed Source Safety Section
Source Containment and
Devices Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

cc: SKimberley, LFDCB
Betsy Ullrich, RI

Distribution:

SCDB r/f

SSD-94-25

NE01

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NAME	TRich <i>A. J. R.</i>	SBaggett							
DATE	11/16/95	11/16/95							

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 1, 1995

Mr. Victor J. Borolot
Daybreak Nuclear and Medical Systems, Inc.
50 Denison Drive
Guilford, CT 06437

Dear Dr. Borolot:

This is in response to your letters of March 4, 1993, and March 20, 1992, regarding your TL Measurement System for license renewal.

Since 1987, Part 30 of the NRC regulations has required licensees to have registration certificates, in addition to licenses, for sources and devices. None of your earlier devices, ever had a registration certificate.

If you wish to continue using these devices, or any of the models (such as Models 740, 750, 765, or 801 or 1100), it is necessary that each of them be registered with the NRC, in addition to maintaining the license. There are at least two alternatives open to you regarding the registration of these devices.

You may register the devices for custom usage by your company alone, and provide services to customers who bring their samples to you. However, if other customers wish to purchase one of the devices for their own use, they will have to obtain their own custom-use registration and license.

Alternatively, you can obtain a registration and license as a manufacturer and distributor of the devices. That registration process would entail a thorough review to determine the safety of the devices for general use. Your customers would then be able to obtain a simple general license to use the devices.

Based on our initial review of the renewal application, it would appear that the device is commercially distributed and would require a formal device review.

Please advise us of the course of action that you choose to pursue and provide information as outlined in the attached Regulatory Guide 10.10. The information needs to be submitted in duplicate. If you have any questions, please feel free to contact me at (301) 415-7273.

Sincerely,

Original Signed By:

Steven L. Baggett

Steven L. Baggett, Section Leader
Sealed Source Safety Section
Source Containment and
Devices Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

cc: S. Kimberly, LFDCB

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DATE	2/1/95								

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 1, 1995

Mr. Victor J. Borolot
Daybreak Nuclear and Medical Systems, Inc.
50 Denison Drive
Guilford, CT 06437

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Sincerely,

Original Signed By:

Steven L. Baggett

Steven L. Baggett, Section Leader
Sealed Source Safety Section
Source Containment and
Devices Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

cc: S. Kimberly, LFDCB

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