

January 9, 2022

Mary C. Muessle, Director
Division of Nuclear Materials Safety, Region IV,
1600 East Lamar Boulevard
Arlington, TX 76011

Email: R4Enforcement@nrc.gov

Subject: Response to Apparent Violations in NRC Inspection Report 030-39087/2021-001; EA-21-103

Dear Muessle,

This letter responds to EA-21-103, NRC Inspection Report 030-39087/2021-001.

There are three violations: (1) possess an NRC license prior to distributing byproduct material, (2) restrict distribution to the models authorized on NRC License 17-35464-01E, and (3) submit annual transfer reports required by 10 CFR 32.16(c)(1).

The following answers are provided to address each violation: (a) the reason for the violation, (b) the corrective steps that have been taken and the results achieved, (c) the corrective steps that will be taken, and (d) the date when full compliance will be achieved.

(1) possess an NRC license prior to distributing byproduct material

Louisiana Department of Environmental Quality (DEQ) issued a license to Cultilux on February 8th, 2018. Cultilux submitted NRC application on August 20th, 2018. Before obtains the NRC license on November 13, 2018, Cultilux started transferring for sale of two units of light bulbs on September 24, 2018. It was under impression that, after acquired state license and submitted NRC application, Cultilux was allowed to distribute CMH light bulbs.

Cultilux will never distribute any CMH light bulbs without a valid NRC license in hand.

(2) restrict distribution to the models authorized on NRC License 17-35464-01E

The CMH light bulbs, which contain arc tubes filled with gaseous krypton-85, manufactured in China are authorized for the distribution with models of Spectra X 1000W, 600W, and 315W by Cultilux. Between October 19, 2019, and March 12, 2020, Cultilux distributed several 500W CMH bulbs, which were not listed in the NRC license. Since the amount of gaseous krypton-85 in the 500W CMH bulbs is the same as the that in 600W CMH bulbs, the general manager of Cultilux took automatic assumption that 500W CMH bulbs can be distributed by Cultilux.

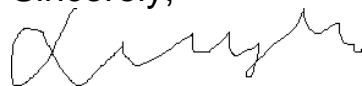
Cultilux will not distribute any 500W CMH bulbs until they are listed in the NRC license agreement.

(3) submit annual transfer reports required by 10 CFR 32.16(c)(1)

Cultilux has not submitted any annual reports regarding the quantity and models of the CMH light bulbs ever since obtained the NRC license. All the distribution information has been recorded in QuickBook software. The general manager of Cultilux had not been informed when and where to send the record to.

The annual reports from 2018 to 2020 were submitted to the right place by mail and email by August 2021. The future annual reports will be submitted accordingly on or before January 31st every year. A common carrier tracking information of the annual transfer report mailed to the Director of the Office of Nuclear Material Safety and Safeguards will consequently be provided.

Sincerely,



Justin Xu

General Manager
Cultilux

Bolger, Allyce

From: Justin Xu <justinxu72@gmail.com>
Sent: Sunday, January 16, 2022 11:23 PM
To: Roldan-Otero, Lizette; R4Enforcement
Cc: Bolger, Allyce; jeff.dauzat@la.gov; Richard.Blackwell@la.gov; Alexander, Ryan
Subject: [External_Sender] Re: Re: NRC Inspection Report and Notice of Violation
Attachments: Response_EA-21-103.pdf

Lizette,

See my response letter attached. We will mail the letter out tomorrow.

thanks,

-Justin

On Wed, Dec 29, 2021 at 8:24 AM Roldan-Otero, Lizette <Lizette.Roldan-Otero@nrc.gov> wrote:

Hi Justin –

Thank you.

Lizette

Lizette Roldán-Otero, Ph.D., Chief

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From: Justin Xu <justinxu72@gmail.com>
Sent: Thursday, December 23, 2021 3:26 PM
To: Roldan-Otero, Lizette <Lizette.Roldan-Otero@nrc.gov>
Cc: Bolger, Allyce <Allyce.Bolger@nrc.gov>; jeff.dauzat@la.gov; Richard.Blackwell@la.gov; Alexander, Ryan <Ryan.Alexander@nrc.gov>
Subject: [External_Sender] Re: NRC Inspection Report and Notice of Violation

Lizette, I will write a letter to respond to the apparent violations addressed in the inspection report within 30 days.

thanks,

-Justin

On Thu, Dec 23, 2021 at 8:03 AM Roldan-Otero, Lizette <Lizette.Roldan-Otero@nrc.gov> wrote:

Dear Mr. Xu –

Attached is the inspection report as discussed in the exit meeting on November 29, 2021. Based on the results of the inspection report, three apparent violations were identified and are being considered for escalated enforcement. Before we make our final decision, we are providing you the opportunity to: (1) respond in writing to the apparent violations addressed in the inspection report within 30 days of the date of the letter; or (2) request a predecisional enforcement conference (PEC). The details of these two choices are explained in the attached report and were discussed with you during the exit meeting.

You have 10 days from the date of the letter to notify me of your intended response to either provide a written response or participate in a PEC. I would appreciate a confirmation that you have received the report.

Thanks,

Lizette

Lizette Roldán-Otero, Ph.D., Chief

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