



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 5, 2002

Clayton Bradt, CHP
Principal Radiophysicist
Radiological Health Unit
Division of Safety and Health
New York State Department of Labor
NYS Office Campus, Bldg.12, Room 169
Albany, NY 12240

SUBJECT: AEC Terminated Licenses

Dear Mr. Bradt:

This is a follow up to our July 15, 1998 letter (Enclosure 1) to John Spath, Director of the Radioactive Waste Policy and Nuclear Coordination Office.

Enclosure 2 of the July 15, 1998 letter contains a list of 20 terminated AEC sealed source licenses located in New York identified by Oak Ridge National Laboratory (ORNL) as in need of further investigation to verify that the sources have been properly transferred to an authorized recipient. Since our 1998 letter, closer examination of the files and the identification of additional correspondence between the Atomic Energy Commission (AEC) and the State of New York at the time of the Agreement (October 15, 1962) indicates that bases exist to close these 20 files. The attached status summary (Enclosure 2) concludes that 11 files were transferred to New York on October 15, 1962, one file was closed by ORNL, four files were either re-licensed or superceded by other AEC licenses, and four files had New York mailing addresses with authorized places of use in other Agreement States. I have confirmed the status information shown in the enclosure with each of the Agreement States. The summary references a letter dated October 15, 1962 from Robert Kirkman, AEC Region I to Oliver Townsend, Director, New York Office of Atomic Development (Enclosure 3) transferring active New York license files. This letter specifically lists over 900 licenses as transferred to the State of New York upon discontinuation of certain AEC regulatory authorities on 10/15/62.

The files relevant to your program's area of regulatory jurisdiction are included (Enclosure 4) for your records. We plan no further action regarding the sealed source licenses in our July 15, 1998 letter. Based on my telephone conversation with you on February 27, 2002, the 11 sealed source files transferred to the State of New York in October 1962 serve as a basis for closing these licenses listed in the NRC Formerly Licensed Site Program.

If you have any questions regarding this matter, please contact me at 610-337-5042 or by e-mail at adw@nrc.gov.

C. Bradt
New York State Department of Labor

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Thank you for your cooperation.

Sincerely,

Original signed by Duncan White

Duncan White, CHP
Regional State Agreements Officer
Division of Nuclear Materials Safety

cc:
John Spath, NYSERDA
Pat Larkins, STP

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| OFFICE | DNMS/RI | C | DNMS/RI | N | STP | N | | |
| NAME | Dwhite ADW | | Fcostello FMC | | PLohaus | | | |
| DATE | 3/5/02 | | 3/5/02 | | 2/27/02 by phone | | | |

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ENCLOSURE 1

Letter dated July 15, 1998 from Duncan White, NRC to John Spath, NYSERDA
(Enclosures 3 and 4 to the letter not included in this enclosure)

ENCLOSURE 2

| New York Sealed Source Status Summary | | | | |
|---|-----------------------------|----------------------------|-----------------------|--|
| <i>Licensee</i> | <i>Current Jurisdiction</i> | <i>AEC/NRC License No.</i> | <i>Term. (Y or N)</i> | <i>Status</i> |
| Queens College | City Health | SNM-613 | No | File Transferred to NY (10/15/62 letter) |
| Rosary Hill College | State Health | SNM-643 | No | File Transferred to NY (10/15/62 letter) |
| Institute of Industrial Medicine (NYU) | City Health | SNM-305 | No | File Transferred to NY (10/15/62 letter) |
| Yeshiva University | City Health | SNM-446 | No | File Transferred to NY (10/15/62 letter) |
| Bausch and Lomb | Labor | SNM-527 | No | File Transferred to NY (10/15/62 letter) |
| Columbia University | City Health | SNM-132 | No | File Transferred to NY (10/15/62 letter) SNM-1995 is still active |
| Bronx Community College | City Health | SNM-460 | No | File Transferred to NY (10/15/62 letter) |
| New York University | City Health | SNM-194 | No | File Transferred to NY (10/15/62 letter) |
| Fordham University | City Health | SNM-604 | No | File Transferred to NY (10/15/62 letter) |
| Allied Chemical | Louisiana | 31-05489-05 | No | LA location of use only Facility currently operates under LA License No. LA-2192-L02 |
| American Tradair | Labor | 31-01228-02 | No | License expired 11/30/59 Re-licensed as 31-01228-03 |
| US Steel Corp | Ohio | 31-00463-03 | No | OH location of use only Re-licensed as 34-12820-01 |
| Isotope Products | Labor | 31-00829-02 | Yes | Terminated on 6/12/58; AEC letter indicates that all material removed from NY location and transferred to Curtiss-Wright Corp. (License No. 29-00657-04) |

| New York Sealed Source Status Summary | | | | |
|--|----------------|-------------|-----|--|
| Eastern Testing Laboratories | Labor | 31-00834-02 | No | File Transferred to NY (10/15/62 letter) |
| Airport Technical Services | NRC | 31-14852-01 | Yes | Terminated on 10/4/72 due to move to Wilmington, DE. Re-licensed as 07-14852-02 |
| P. Lorillard Company | North Carolina | 31-05508-01 | No | KY and NC locations of use only KY location removed in 1962 KY license referenced in file Facility currently operates under NC License No. 041-0031-1 |
| Picker X-Ray | NRC | 31-04601-03 | Yes | Terminated on 7/9/69; Licensed activities transferred to 34-07725-08 |
| M.W. Kellogg Co. | Texas | 31-00246-04 | No | TX location of use only Texas issued License No. 0-371 on 5/30/63 |
| Cornell University | State Health | CSA-3573 | Yes | Superceded by SUD-271 ORNL eliminated this license from further consideration |
| Rensselaer Polytechnic Institute | State Health | 31-00072-04 | No | File Transferred to NY (10/15/62 letter) |

Conclusions:

11 licenses transferred to NY on 10/15/62

1 license closed by ORNL

4 re-licensed or superceded by AEC licenses

4 licenses issued to locations outside of New York (LA, NC, OH, TX)

ENCLOSURE 3

Letter dated October 15, 1962 from Robert Kirkman, AEC Region I
to Oliver Townsend, Director, New York Office of Atomic Development
(Enclosures not included)

ENCLOSURE 4

The following license files are relevant to your program and are enclosed:

- | | | |
|----|----------------------|-------------|
| 1. | Bausch and Lomb | SNM-527 |
| 2. | American Tradair | 31-01228-02 |
| 3. | Isotope Products | 31-00829-02 |
| 4. | Eastern Testing Labs | 31-00834-02 |