



NMSB 3

March 30th, 2004

Atlanta Federal Center
U.S. Nuclear Regulatory Commission, Region II
61 Forsyth Street, S.W., Suite 23T85
Atlanta, GA 30303-3415

RE: Amendment to license 45-25402-01

03034493

Dear Sir or Madam:

This is to request amendments to our existing license, #45-25402-01 as indicated below:

Line 6 currently reads:

- A. Hydrogen 3
- B. Phosphorous 32
- C. Sulfur 35
- D. Phosphorous 33
- E. Cesium 137

Please remove from license:

- E. Cesium 137

This isotope is no longer being utilized in our research and the sealed source irradiator containing the isotope has been sold to and decommissioned as well as removed from the premises by J.L. Shepherd and Associates.

Additionally, the following lines may be removed from the license as we no longer possess the J.L. Shepherd and Associates Model 143 series, sub-model 45, self-contained irradiator (as of 3/30/04):

Lines: 9E, 13A-E, 14, and 16.

These actions are being taken to remove the 3E fee category from our license by 3/31/04 to ensure a 50% prorated refund of our 2004 licensing fees per Rosalyn Jones. Source decommissioning paperwork is included with this license amendment request and the sealed source leak test conducted by J.L. Shepherd and Associates will be forwarded in approximately two weeks time.

134746



If you have any questions regarding this application or need any additional information, please do not hesitate to contact me.

Sincerely,

Brad Hamilton, M.S.
Radiation Safety Officer

Dana Tornabene
Director, Human Resources

Glenn Dozier,
CFO

JL SHEPHERD & ASSOCIATES

1010 ARROYO AVE., SAN FERNANDO, CALIFORNIA 91340-1822

818-898-2361 FAX 818-361-8095


CERTIFICATION OF SOURCE/DEVICE POSSESSION TRANSFER

This document is to certify that on or about March 30, 2004, J.L. Shepherd and Associates took possession of and title to (1) each J.L. Shepherd and Associates Model 143-45 Irradiator, S.N.#:2085, with approximately 1,100 Curies Cs-137(as of August 6, 1998), from The Upstate Group, 706 Forest Street, Charlottesville, VA 22903.

This transfer preparation took place under the direct supervision of J.L. Shepherd and Associates' engineer, under J.L. Shepherd and Associates State of California (a U.S. Nuclear Regulatory Commission Agreement State) Radioactive Materials License and applicable 49CFR and CA Title 17 Transportation requirements, working under J.L. Shepherd and Associates, State of California Radioactive Materials License 1777-19, Amendment 81, Expiration Date 10/11/95, with State of California issued Letter of Timely Renewal, Dated September 21, 1995, in accordance with U.S. Nuclear Regulatory Commission 10CFR40.51, 49CFR and all regulatory agency licensing requirements. J.L. Shepherd and Associates per the attached license, or our designated hot cell facility, is licensed to receive, possess and store the source/device.



Brad Hamilton
The Upstate Group



Mary F. Shepherd
Vice-President
J.L. Shepherd and Associates

JLSHEPHERD & ASSOCIATES

1010 ARROYO AVE, SAN FERNANDO, CALIFORNIA 91340-1822
818-898-2361 FAX 818-361-8095

TRIP REPORT

JLS&A REPRESENTATIVE: DANNY PEABODY

DATE: 3/30/04 HOURS: 2 COMPLETE: YES or NO

CUSTOMER'S NAME: UPSTATE GROUP INC.

CONTACT: BRAD HAMINTON/CHRIS JOHNSON PHONE #: (434)975-4300

ADDRESS: 706 FOREST STREET P.O.#: REPURCHASE
CHARLOTTESVILLE, VA 22903 JOB #: 434400B

DEVICE: MODEL 143-45 IRRADIATOR S.N. 2085

REASON FOR VISIT: SERVICE CALL FOR JLS TECHNICIAN TO PERFORM ON-SITE DECOMMISSION/
TAKE POSSESSION OF MODEL 143-45 IRRADIATOR.

STATEMENT OF WORK: As stated above

PARTS USED: _____

PARTS REQUIRED TO COMPLETE: _____

FUTURE MAINTENANCE REQUIRED: _____

The following signatures acknowledge that the above work has been performed satisfactorily.

Brad Hamilton
CUSTOMER'S SIGNATURE

Danny Peabody
JLS&A REPRESENTATIVE



March 25, 2004

Upstate USA, Inc. is selling the following equipment to J.L. Shepherd and Associates:

Shepherd Irradiator Model 143-45, S/N 2085 with a 1100 Ci Cesium
137 source dated August 6th 1998

The irradiator is being sold at the price of \$1 (one dollar) in its current condition. Customer is responsible for pickup and delivery or shipping. Equipment sold as is, where is without any warranty or other representation of equipment condition. Payment is due upon pickup.

Seller

Upstate USA, Inc.
706 Forest Street
Charlottesville, VA 22903
Tel : 434-975-4300
Fax: 434-975-4301

Signed by: Brad Hamilton

Print Name: R+D Scientist II

Title: Brad Hamilton

Date: 3/30/04

Buyer

J.L. Shepherd and Associates
1010 Arroyo Avenue
San Fernando, CA 91340-8122
Tel: 818-898-2361
Fax: 818-361-8095

Signed by: Danny Peabody

for J.L. Shepherd & Assoc.
Print Name: Danny Peabody

Title: Field Service Tech.

Date: 3-25-04

This is to acknowledge the receipt of your letter/application dated

3/30/2004, and to inform you that the initial processing which includes an administrative review has been performed.

AMEND. 45-25402-01
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 134746.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

: (FOR LFMS USE)
: INFORMATION FROM LTS
: -----
:
: Program Code: 03510
: Status Code: 0
: Fee Category: 3M 3E
: Exp. Date: 20071130
: Fee Comments: 3E ADD 7/20/98
: Decom Fin Assur Req'd: N
: ::

LICENSE FEE TRANSMITTAL

A. REGION I

1. APPLICATION ATTACHED
Applicant/Licensee: UPSTATE GROUP, INC.
Received Date: 20040331
Docket No: 3034493
Control No.: 134746
License No.: 45-25402-01
Action Type: Amendment

2. FEE ATTACHED
Amount: _____
Check No.: _____

3. COMMENTS
Signed M. A. Perkins
Date 3/21/04

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered /___/)

1. Fee Category and Amount: _____
2. Correct Fee Paid. Application may be processed for:
Amendment _____
Renewal _____
License _____
3. OTHER _____

Signed _____
Date _____