

September 27, 2006

MEMORANDUM FOR

*JDK*  
*10.2.06*  
John D. Kinneman, Chief  
Materials Security & Industrial Branch, RI

FROM:

*Sattar Lodhi*  
Sattar Lodhi  
Materials Security & Industrial Branch, RI

SUBJECT:

Bethlehem Corporation Inspection No. 99990001/2006027

RI received information from NMSS that an x-ray fluorescence analyzer was for sale at Ebay. I followed up the issue with e-Bay and contacted the seller, Anthony Chiarella (609)516-9143 (cell phone). Mr Chiarella stated that he acquired the analyzer from Universal Process Equipment Corporation (UPEC). The analyzer was a ThermoMeasure Tech Model TN Spectrace 9277 (serial No. M1026) (SSD TX-0634-D-157-B). UPEC is located at Route 130 south, Robinsville, NJ 08691.

I contacted ThermoMeasure Tech 512 388 9100 (Michael Fontenot, RSO) and determined that the analyzer was distributed on 12/17/1998, to The Bethlehem Corporation (TBC) under the general license in 10 CFR 31.5. The analyzer contained a sealed source of 4 mCi of cadmium 109, and a second sealed source of 45 mCi of iron 55. TBC is located at 25th and Lennox St., Easton, PA (610-258-7111)). ThermoMeasure Tech did not have any record of transfer of the analyzer to UPEC.

I again contacted the seller who stated that approximately 3 years ago TBC had loaned the analyzer to UPEC and TBC filed for bankruptcy while UPEC still possessed the device so it could not be returned to TBC. He stated that he took possession of the analyzer because UPEC also declared bankruptcy.

During my conversation with him the seller stated that he understood that he could not sell the analyzer on e-Bay and would not do so. He stated that he will return the analyzer to UPEC and it will be stored there. (It was locked in his garage in PA at time of phone discussion).

TBC has web site on the internet that lists Alan H. Silverstein as its President/CEO. I tried to contact the individual and left messages for him to call me. Not having received any response, I sent an e-mail message to TBC customer service but no one has yet responded.

On March 14, 2006, the seller informed the inspector that he had contracted Geoelectronics (George Dowell) for transfer of the analyzer, and that they had the analyzer for transfer to ThermoMeasure Tech. His e-mail confirming the transfer is attached. I called ThermoMeasure Tech who confirmed that they had made the transfer of the analyzer to another general licensee (Viscom Inc., 56791 Rivere Au Sel, New London, MO 63459).

CONCLUSION:

Transfer of the analyzer by TBC to UPEC was not in accordance with the requirement in 10 CFR 31.5(c)(8)(i). However, TBC is in bankruptcy and is not operating, therefore issuance of a Notice of Violation is not practical. There is no safety issue remaining because the

analyzer has been transferred to another general licensee (Viscom, Inc.) and the transfer was made through ThermoMeasure Tech. Confirmation of transfer from ThermoMeasure Tech is attached. Based on the above documentation the inspection should be closed.

Attachments:

1. e-mail from the seller to Sattar Lodhi
2. Letter of Transfer from ThermoMeasure Tech.