

DEC 16 1993

License No. 37-04871-01
Docket No. 030-03043

Arthur Leibersohn
924 Cherry Street
4th Floor
Philadelphia, Pennsylvania 19107

Dear Mr. Leibersohn:

This is in reference to our telephone conversation of December 15, 1993. In order to proceed with this action, we need the following:

A letter signed by Arthur Leibersohn, Trustee for Cooper Hospital/Center City doing business as Franklin Square Hospital requesting that NRC license number 37-04871-01 be terminated. You may use the enclosed Form 313 to make the termination request by marking the amendment box and noting "termination request" in the remarks section. In addition, please submit the enclosed Form 314 indicating that all byproduct material was transferred to a licensed recipient (Cooper Hospital/University Medical Center, NRC license number 29-08285-01) or by disposed of as ordinary waste under 10 CFR 35.92.

As we discussed during our telephone conversation; the basis for our request that you submit the above information (Forms 313 and 314) is found in 10 CFR Part 30.

Specifically,

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10 CFR 30.36(b) states: "Each licensee shall notify the Commission promptly, in writing under 10 CFR 30.6 and request termination of the license when the licensee decides to terminate all activities involving materials authorized under the license. This notification and request for termination of the license must include the reports and information specified in paragraphs (c)(1)(iv) and (v) of this section and a plan for completion of decommissioning if required by paragraph (c)(2) of this section; by license condition."

10 CFR 30.34(b) states: "No license issued or granted pursuant to the regulations in this part ...nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full

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Franklin Square Hospital

information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing."

Please reply in duplicate to my attention at the Region I office. The reviewer for this licensing action is David G. Mann. If you have any technical questions regarding this letter please call the reviewer at (215) 337-5237.

Sincerely,

Original Signed By:
Francis M. Costello

Francis M. Costello
Nuclear Materials Safety Branch
Division of Radiation Safety
and Safeguards

Enclosures:

1. Requirements for Materials Licensees
2. NRC Forms 313 and 314
3. 10 CFR Part 2, 19, 20, 30, 35, and 170
4. Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material

DRSS:RI
Mann/dgm *DM*

FM
DRSS:RI
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12/16/93

TELEPHONE CONVERSATION RECORD	Date: 12/14/93	Time:
Mail Control No.:	License No.: 37-04871-01	Docket No.: 030-03043
Person Called: Arthur Leibersohn, Trustee for Cooper Hospital/Center City doing business as Franklin Square Hospital	Organization: Franklin Square Hospital	Telephone Number: 215-922-7990
Person Calling: David G. Mann		
Subject: License termination		

Summary:

14:30 Mr. Leibersohn returned my phone call and we discussed the possibility that he would request a license termination for Franklin Square Hospital. He indicated that all of the advice (legal and otherwise) is to never give up a license while the entity is in bankruptcy. It is his hope that possession of the license will be of some value in the sale of the entity. I explained that the NRC license is not sellable/transferrable. He suggested that I contact NRC legal counsel to pursue this further. He also indicated that he would be more than willing to help with anything except terminating the license.

16:15 After a discussion with Frank, I placed another call to Mr. Liebersohn in order to quote to him 10 CFR 30.34(b) and 30.36(b).

30.34(b) "No license issued or granted pursuant to the regulations in this part ...nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing."

30.36(b) "Each licensee shall notify the Commission promptly, in writing under 30.6 and request termination of the license when the licensee decides to terminate all activities involving materials authorized under the license. This notification and request for termination of the license must include the reports and information specified in paragraphs (c)(1)(iv) and (v) of this section and a plan for completion of decommissioning if required by paragraph (c)(2) of this section or by license condition."

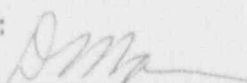
He was on another line and I left a message for him to return my call.

12/15 @ 16:30

I contacted Art and quoted the above regulations to him. He asked me to send a copy of Part 30 to him (924 Cherry Street, Philadelphia, Pennsylvania, 19107). He will give this information to his lawyer for review. I indicated that the closing paragraph of the letter would most likely require a response within 30 days. I also indicated that the license would be terminated regardless.

Action Required/Taken: Send letter enclosing Part 30

Signature:



Date:

12/15/93