no action has been taken

UNION CARBIDE CORPORATION OLD RIDGEBURY ROAD, DANBURY, CT. 06817
LAW DEPARTMENT

June 9, 1986

862

Director
Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Agency
Washington, D.C. 20555

Re: Transfer of Devices Containing By-Product Material ("Radiation Sources") Between General Licensees

Dear Sir:

Please be advised that, on April 21, 1986, STP Corporation ("STP") entered into an agreement for the sale of certain assets to First Brands Corporation ("First Brands"), a Delaware corporation with offices at 39 Old Ridgebury Road, Danbury, CT 06817. Among the assets to be transferred to First Brands is a facility located at 477 Lexington Avenue, Painesville, Ohio 44077 (the "Painesville Facility"). The date of the sale and transfer of the Facility is July 1, 1986.

STP has general licenses for four (4) Radiation Sources which are used at the Painesville Facility.

STP has provided First Brands with a copy of 10 C.F.R. 31.5, a Radiation Source Inventory, and safety documents identified in the labels of the Radiation Soruces, (see Attachment I).

Accordingly, STP and First Brands shall assume, unless you advise me to the contrary, that the date of transfer to First Brands of the Radiation Sources and responsibility for compliance with applicable U.S. Nuclear Regulatory Commission ("NRC") regulations shall be July 1, 1986.

110017

NRD3

Please continue to send all correspondence with respect to the Radiation Sources to Robert Reid, the Painesville Plant Manager or Anthony Gagliardi, the Plant Environmental Coordirator.

Very truly yours,

Carol Dudnick

Carol L. Dudnick

CLD/ce

Enclsoure

cc: Dan Squire, Esq.
Skadden, Arps, Slate, Meagher & Flom

Robert Reid
Plant Manager

Anthony Gagliardi
Environmental Coordinator

Steve Mazouat
East Hartford

Industrial Dynamics Company, Ltd.
2927 Lomita Blvd.
Torrance, CA 90509

Attn: Mr. Frederick L. Calhoun

UNION CARBIDE CORPORATION OLD RIDGEBURY ROAD, DANBURY, CT. 06817
LAW DEPARTMENT

June 9, 1986

A. E. Dudley, President
First Brands Corporation
39 Old Ridgebury Road
Danbury, CT 06817

Re: Notice of Devices Containing By-Product Material ("Radiation Sources") - Painesville, Ohio Facility

Dear Mr. Dudley:

Pursuant to an April 21, 1986 agreement, STP Corporation ("STP") agreed to sell to First Brands Corporation ("First Brands") certain assets. The Closing is anticipated to occur on July 1, 1986.

Among the assets to be transferred to First Brands is a facility located at 477 Lexington Avenue, Painesville, Ohio 44077 (the "Painesville Facility"). Four (4) Radiation Sources are used at the Painesville Facility.

In order to transfer these Radiation Sources to First Brands for continued use at the Painesville Facility, U.S. Nuclear Regulatory Commission ("NRC") regulations require Union Carbide to provide a copy of NRC regulations found at 10 C.F.R. 31.5 and any safety documents identified in the label of the Radiation Sources to First Brands. Accordingly, enclosed please find copies of 10 C.F.R. 31.5, a Radiation Source inventory and safety documents. These documents are also available at the Painesville Facility. Also enclosed is a copy of STP's letter to the U.S. NRC advising that Agency that the date of transfer of the Radiation Sources and, hence, responsibility for compliance with NRC regulations, is July 1, 1986.

Very truly yours,

Carol Dudnick

Carol L. Dudnick

CLD/ce
Enclosures

§ 31.2 Terms and conditions.

(a) The general licenses provided in this part are subject to the provision of §§ 30.14(d), 30.34(a) to (e), 30.41, 30.51 to 30.63 and Parts 19, 20, and 21 of this chapter[1] unless indicated otherwise in the language of the general license.

(Sec. 202, Pub. L. 93-438, 88 Stat. 1244, (42 U.S.C. 5842); sec. 161, as amended, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

[38 FR 22220, Aug. 17, 1973, as amended at 38 FR 33969, Dec. 10, 1973; 42 FR 28896, June 6, 1977; 43 FR 6922, Feb. 17, 1978]

§ 31.3 Certain devices and equipment.

A general license is hereby issued to transfer, receive, acquire, own, possess and use byproduct material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with the specifications contained in a specific license issued to him by the Commission.

(a) *Static elimination device.* Devices designed for use as static eliminators which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of polonium 210 per device.

(b)-(c) [Reserved]

(d) *Ion generating tube.* Devices designed for ionization of air which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of polonium 210 per device or of a total of not more than 50 millicuries of hydrogen 3 (tritium) per device.

[30 FR 8189, June 26, 1965, as amended at 34 FR 6652, Apr. 18, 1969; 35 FR 3982, Mar. 3, 1970]

§ 31.4 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150-0016.

(b) The approved information collection requirements contained in this part appear in §§ 31.5, 31.8, and 31.11.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 31.11, Form NRC-483 is approved under control number 3150-0038.

[49 FR 19625, May 9, 1984; 49 FR 21699, May 23, 1984]

§ 31.5 Certain measuring, gauging or controlling devices.[2]

(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and Federal, State or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of paragraphs (b), (c) and (d) of this section, byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b) The general license in paragraph (a) of this section applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued pursuant to § 32.51 of this chapter or in

[1] Attention is directed particularly to the provisions of the regulations in Part 20 of this chapter which relate to the labeling of containers.

[2] Persons possessing byproduct material in devices under the general license in § 31.5 before Jan. 15, 1975, may continue to possess, use or transfer that material in accordance with the requirements of § 31.5 in effect on Jan. 14, 1975.

accordance with the specifications contained in a specific license issued by an Agreement State which authorizes distribution of the devices to persons generally licensed by the Agreement State.

(c) Any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in paragraph (a) of this section:

(1) Shall assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by such labels;

(2) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label; however:

(i) Devices containing only krypton need not be tested for leakage of radioactive material, and

(ii) Devices containing only tritium or not more than 100 microcuries of other beta and/or gamma emitting material or 10 microcuries of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

(3) Shall assure that the tests required by paragraph (c)(2) of this section and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:

(i) In accordance with the instructions provided by the labels; or

(ii) By a person holding a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State to perform such activities;

(4) Shall maintain records showing compliance with the requirements of paragraphs (c) (2) and (3) of this section. The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal from installation concerning the radioactive material, its shielding or containment. Records of tests for leakage of radioactive material required by paragraph (c)(2) of this section shall be maintained for one year after the next required leak test is performed or until the sealed source is transferred or disposed of. Records of tests of the on-off mechanism and indicator, required by paragraph (c)(2) of this section, shall be maintained for one year after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of. Records which are required by paragraph (c)(3) of this section shall be maintained for a period of two years from the date of the recorded event or until the device is transferred or disposed of;

(5) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State to repair such devices, or disposed of by transfer to a person authorized by a specific license to receive the byproduct material contained in the device and, within 30 days, furnish to the Administrator of the appropriate Nuclear Regulatory Commission, Regional Office listed in Appendix D of Part 20 of this chapter, a report containing a brief description of the event and the remedial action taken;

(6) Shall not abandon the device containing byproduct material;

(7) Shall not export the device containing byproduct material except in accordance with Part 110 of this chapter;

(8) Except as provided in paragraph (c)(9) of this section, shall transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the Director

of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

(9) Shall transfer the device to another general licensee only:

(i) Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this section and any safety documents identified in the label of the device and within 30 days of the transfer, report to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the manufacturer's name and model number of device transferred, the name and address of the transferee, and the name and/or position of an individual who may constitute a point of contact between the Commission and the transferee; or

(ii) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee.

(10) Shall comply with the provisions of §§ 20.402 and 20.403 of this chapter for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of Parts 19, 20, and 21, of this chapter.

(d) The general license in paragraph (a) of this section does not authorize the manufacture or import of devices containing byproduct material.

(Secs. 201 and 202, Pub. L. 93-438, 88 Stat. 1242, 1244 (42 U.S.C. 5841, 5842); sec. 161, as amended, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

[39 FR 43532, Dec. 16, 1974, as amended at 40 FR 8785, Mar. 3, 1975; 40 FR 14085, Mar. 28, 1975; 41 FR 18302, May 3, 1976; 42 FR 25721, May 19, 1977; 42 FR 28896, June 6, 1977; 43 FR 6922, Feb. 17, 1978]

§ 31.6 General license to install devices generally licensed in § 31.5.

Any person who holds a specific license issued by an Agreement State authorizing the holder to manufacture, install, or service a device described in § 31.5 within such Agreement State is hereby granted a general license to install and service such device in any non-Agreement State and a general license to install and service such device in offshore waters, as defined in § 150.3(f) of this chapter: *Provided, that:*

(a) [Reserved]

(b) The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the Agreement State.

(c) Such person assures that any labels required to be affixed to the device under regulations of the Agreement State which licensed manufacture of the device bear a statement that removal of the label is prohibited.

(Secs. 81, 181b., 274, Pub. L. 83-703, as amended, 68 Stat. 935, 948, 73 Stat. 688 (42 U.S.C. 2111, 2201b., 2021))

[30 FR 8189, June 26, 1935, as amended at 30 FR 10947, Aug. 24, 1965; 39 FR 43533, Dec. 16, 1974; 46 FR 44151, Sept. 3, 1981]

§ 31.7 Luminous safety devices for use in aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided each device contains not more than 10 curies of tritium or 300 millicuries of promethium-147 and that each device has been manufactured, assembled or initially transferred in accordance with a license issued under the provisions of § 32.53 of this chapter or manufactured or assembled in accordance with a specific license issued by an Agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the Agreement State.

(b) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in this section are exempt from the requirements of Parts 19, 20, and 21, of this chapter, except that they shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

RADIATION SOURCE INVENTORY

PLANT Painesville

DATE February 11, 1986

Location	Manufacturer	Source Type	Size (mci)	Source Serial No.	Last Wipe Test Date
Line 3	Industrial Dynamics	AM-241	100	1022	11/11/85
Line 1	Industrial Dynamics	AM-241	100	1031	11/11/85
Line 2	Industrial Dynamics	AM-241	100	1029	11/11/85
Line 2	Industrial Dynamics	AM-241	100	1030	11/11/85

File 380 - STP

INDUSTRIAL DYNAMICS COMPANY, LTD.

2927 Lomita Boulevard • P.O. Box 2945 • Torrance, California 90509-2945 U.S.A.
Phone: (213) 325-5633 • Telex Intl. 4720345 • M.A. 664205

RE: FILTEC MODEL FT-12
Machine S/N See attached
Source S/N See attached
Date [redacted]

BE-KAN, INC.
477 Lexington
Painesville, OH 44077

Attention: Mr. Tony Gagliardi

Gentlemen:

Enclosed is the Leak Test and Source Inspection Certificate on the radioisotope source used in your FILTEC equipment. Please file it for future reference. The condition of the source is given below.

__X__ Radiation leak test satisfactory. Radiation level less than 0.005 microcuries.

_____ Radiation leak test unsatisfactory. The proper authorities in your area should have been notified and the safety procedures outlined in your FILTEC manual should have been carried out. This letter confirms our telephone call to you regarding this matter on

Another inspection is required on or before May 11, 1986 and every six months thereafter.

Yours very truly,

INDUSTRIAL DYNAMICS COMPANY, LTD.

Fred L Calhoun

Fred L. Calhoun
President & Radiation Safety Officer

FLC:lb
Enclosure: Leak Test and Source Inspection Certificate

Form No. 080 (6/84)

Please file the attached Leak Test Certificate in a safe place for future reference. This certificate must be presented when the FILTEC unit is inspected by the Regulatory Agency in your area.

INSPECTION filtec SYSTEMS

INDUSTRIAL DYNAMICS COMPANY, LTD.
2927 LOMITA BOULEVARD
TORRANCE, CALIFORNIA 90509

LEAK TEST AND SOURCE INSPECTION CERTIFICATE

1.0 CUSTOMER NAME AND ADDRESS:

Be-Kan
477 Lexington Ave
Painsville, Oh 44077
ATTN: Tony Gagliardi

2.0 WIPE TEST AND CERTIFICATION DATA:

2.1 WIPE TEST & SEAL(S) AFFIXED BY Mike Lee
2.2 DATE OF WIPE TEST Nov 16 85
2.3 RADIATION MEASUREMENTS MADE BY Laura Bell
2.4 DATE OF MEASUREMENTS NOV 25 1985

☐ CHECK IF NEW CONTACT

*100 Mci = 3.7 GBq
**0.005 μCi = 0.185 Kbq

3.0 SOURCE *(100 MC AM-241) AND MACHINE DESCRIPTION:

3.1 MACHINE S/N	3.2 SOURCE S/N	3.3 SOURCE MOD. NO.		3.4 SHUTTER CONDITION		3.5 LABEL(S) CONDITION		3.6 WIPE TEST DATA **		3.7 PLASTIC WINDOW		3.8 CONDITION INSIDE UNIT		3.9 LEAD SEAL AFFIXED
		6110	6765	MAN	AUTO	OK	REPL	OK	>.005μc	OK	REPL	OK	REPAIR	
102943	1022	✓		✓		✓		X		✓		✓		✓
102946	1031	✓		✓		✓		X		✓		✓		✓
102944	1029	✓		✓		✓		X		✓		✓		✓
102945	1030	✓		✓		✓		X		✓		✓		✓

COMMENTS: _____

CERTIFIED BY: Fred L Calhoun
Fred L. Calhoun

TITLE: Radiation Safety Officer

Form No. 072 (6/84)

INDUSTRIAL DYNAMICS *Company, Ltd.*

2927 LOMITA BOULEVARD • TORRANCE, CALIFORNIA 90509 U.S.A. • TELEPHONE: 213 - 775-2374 • CABLE: INDUSCO

REFERENCE: FILTEC MODEL FT-12
Inspection System Serial
No.

S T P Corporation
(Be-Can, Inc.)
477 Lexington
Painesville, Ohio 44077

Source Serial No. 1029, 1030, 1031

Date November 30, 1973

Attn: Production Manager

Dear Sir:

You will find enclosed the necessary information to register and operate the radiation source used in your FILTEC equipment.

The following information is included:

- [X] Industrial Dynamics' booklet on "Radiation Rules and Regulations" which contains the State of California and the Atomic Energy Commission Rules and Regulations that are applicable to your system.
- [ ] Radiation Rules and Regulations that are applicable to your system for the state in which it will be operated.
- [ ] Registration forms and Instructions for the Registration of Radiation Sources in your state (if applicable).
- [X] The address and telephone number of the nearest office of the agency having regulatory responsibility for the by-product material contained in the Radiation Source.

Most states require that you register a radiation source within a specified time after its receipt. This is your responsibility and it should be attended to immediately. We have supplied as much information as possible to assist you in the registration of the radiation source, but if you should need additional information, please contact us immediately.

The specifications on the Radiation Source used in the FILTEC are listed below:

Name and Model of Machine ------------	FILTEC, MODEL
Radiation Material (Sealed Source) ---	AMERICIUM-241
Radiation Source Model No. -----------	06110
Quantity of Material -----------------	100 MILLICURIES
Use ----------------------------------	MEASURING GAUGE
[redacted]	(CALIF.) [redacted]