



**COPY**

**THOMAS J. VILSACK**  
GOVERNOR  
**SALLY J. PEDERSON**  
LT. GOVERNOR

DEPARTMENT OF PUBLIC HEALTH  
STEPHEN C. GLEASON, DIRECTOR

January 25, 2001

Marcia Howard, Administrator  
Nuclear Materials Safety Program  
Ohio Department of Health  
PO Box 118  
Columbus, Ohio 43266-0118

OSP  
01 JAN 30 PM 3:57

Re: VEECO Instruments, Inc.

Dear Ms. Howard:

I received the enclosed letter from Clayton Bradt, Principal Radiophysicist with the New York Department of Labor. He relays information that VEECO Instruments, Inc., has sold the portion of their business that involves the distribution of beta-backscatter devices to Justech, Inc., of West Chester, Ohio.

This letter is to inform you of an issue regarding these devices containing generally licensed radioactive materials. During one of our routine inspections of generally licensed materials, we discovered that the devices contained material in excess of that listed on the Sealed Source and Device Registry (SS&D). The SS&D listing was issued to Unit Process Assemblies Technology in October 1976 with a 50 uCi maximum for Pm-147. However, the devices identified at the Iowa facility contained 600 uCi of Pm-147.

In doing further research, we found that Unit Process Assemblies Technology was purchased in 1994 by VEECO Instruments. The New York Department of Labor allowed VEECO Instruments to increase the maximum for the Pm-147 probe first to 75 uCi and then up to 900 uCi without updating the 1976 SS&D to reflect the changes in ownership and the activity of the source.

We attempted to obtain an updated SS&D from the New York Department of Labor, but succeeded only in receiving a copy of the license they issued to VEECO Instruments. The copy of the license does not include any information regarding environmental and safety issues for the device. No such documentation has been provided in spite of contacts from both our office and the US Nuclear Regulatory Commission.

LUCAS STATE OFFICE BUILDING / 321 E. 12TH ST. / DES MOINES, IOWA 50319-0075  
DEAF RELAY (HEARING OR SPEECH IMPAIRED) 1-800-735-2942 / INTERNET: [HTTP://IDPH.STATE.IA.US/](http://IDPH.STATE.IA.US/)

DIRECTOR'S OFFICE 515-281-5605 FAX/515-281-4958	EXECUTIVE STAFF 515-281-5604 FAX/515-281-4958	DIV. OF ADMINISTRATION & REGULATORY AFFAIRS 515-281-5784 FAX/515-281-4958	DIV. OF ENVIRONMENTAL HEALTH 515-281-5784 FAX/515-281-4958
DIV. OF FAMILY & COMMUNITY HEALTH 515-281-3931 FAX/515-242-6384	DIV. OF HEALTH PROMOTION, PREVENTION & ADDICTIVE BEHAVIORS 515-281-3641 FAX/515-281-4535	DIV. OF TOBACCO USE PREVENTION & CONTROL 515-281-8225 FAX/515-281-4535	

*BSP-006 complete*  
*RIPS Dist.: SPD5, SPD9*

According to the enclosed letter from Clayton Bradt, VEECO Instruments has sold this portion of their business to Justech, Inc., of West Chester, Ohio. Mr. Bradt stated that Justech, Inc., was seeking a license from Ohio and that VEECO Instruments intended to cease its activities in November.

This letter is just to bring you up to date on a situation that arose from an inspection conducted in Iowa that may impact the Ohio radiation materials program. If you have any questions or concerns, please do not hesitate to contact Joyce Spencer at 515-725-0310 or me.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald A. Flater". The signature is fluid and cursive, with the first name "Donald" being the most prominent.

Donald A. Flater, Chief  
Bureau of Radiological Health  
515-281-3478

cc: Michael Justice, Justech, Inc.  
Paul Lohaus, USNRC, STP  
James L. Lynch, USNRC, Region III

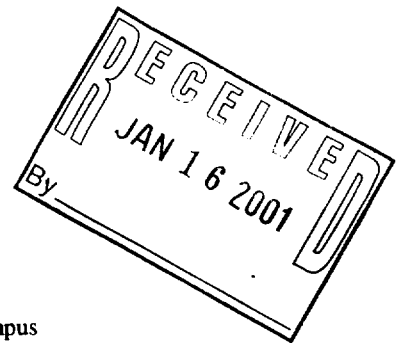
enc:

RAM/GL/Veeeco2.doc



**STATE OF NEW YORK  
DEPARTMENT OF LABOR  
DIVISION OF SAFETY AND HEALTH  
RADIOLOGICAL HEALTH UNIT**

Building 12, Room 169  
Governor W. Averell Harriman State Office Building Campus  
Albany, New York 12240



**GEORGE E. PATAKI**  
Governor

**JAMES T. DILLON**  
Acting Commissioner

January 9, 2001

Donald A. Flater, Chief  
Bureau of Radiological Health  
Iowa Department of Public Health  
Lucas State Office Building  
321 E. 12<sup>th</sup> Street  
Des Moines, IA 50319-0075

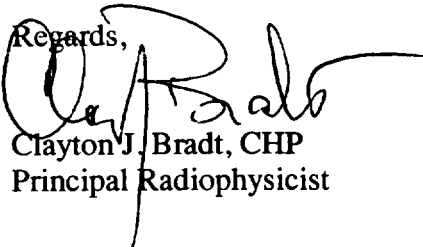
Re: VEECO Instruments, Inc.

Dear Mr. Flater:

In your letter dated November 16, 2000, you expressed concerns over the distribution of beta-backscatter devices by VEECO Instruments, Inc. to general licensees in your state. I have been advised by VEECO that they have sold this portion of their business to Justech, Inc., of West Chester, Ohio. It is my understanding that Justech is in the process of applying for a license with the State of Ohio and will be submitting a request for an SS&D review as well. During the transition period, VEECO will continue to provide support for devices distributed under its license, but expects to terminate operations by November of this year.

If you have further questions, I suggest that you contact either Frank Ferrandino at VEECO (516-738-9300), or Michael Justice at Justech (513-755-1381).

Regards,



Clayton J. Bradt, CHP  
Principal Radiophysicist

cc: Frank Ferrandino, VEECO Instruments, Inc.  
Duncan White, USNRC, Region I  
Paul Lohaus, USNRC, STP