

ORC

03032547

VOID SHEET

TO: License Fee Management Branch

FROM: Susan L. Greene

SUBJECT: VOIDED APPLICATION

Control Number: 021867

Applicant: Fusion Systems Corp.

Date Voided: 11/22/96

Reason for Void: Fee unpaid; application abandoned
after review.

Susan L. Greene
Signature
NMSS/IMNS/IMAB

11/22/96
Date

Attachment:
Official Record Copy of
Voided Action

FOR LFMB USE ONLY

Final Review of VOID Completed:

- ☐ Refund Authorized and processed
- ☒ No Refund Due
- ☐ Fee Exempt or Fee Not Required

310103 Comments: _____

Log completed ☒

Processed by: AK

9701310267 961121
PDR ADOCK 03032547
C PDR

ok
m400
cy to Reg

S. Hodlin

-2-

We have forwarded a copy of this letter to the State of Maryland and our Region I office for follow-up. If you have any questions concerning this action, please contact me at (301) 415-7843.

Sincerely,

ORIGINAL SIGNED BY

Susan L. Greene
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Docket No. 030-32547

Enclosure: Ltr dtd 8/22/96

cc: Roland G. Fletcher, Manager
Radiological Health Program
Air and Radiation Management Administration
Maryland Department of the Environment
2500 Broening Highway
Baltimore, MD 21224

DISTRIBUTION:

License File 19-23798-01E

IMAB r/f

SBaggett

Reg I

DOCUMENT NAME: G:\FUSION.cjb

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	NMSS:IMAB	<i>E</i>	NMSS:IMAB	<i>C</i>					
NAME	CBoyle		SLGreene						
DATE	11/21/96		11/21/96						

OFFICIAL RECORD COPY

November 21, 1996

Fusion Systems Corporation
ATTN: Steven F. Hodlin
Vice President, Corporate Quality
7600 Standish Place
Rockville, Maryland 20855

Dear Mr. Hodlin:

This refers to your letter dated August 22, 1996 (copy enclosed), which requested an amendment to NRC License No. 19-23798-01E. The Division of Accounting and Finance notified you by form letter dated September 24, 1996, that your amendment request was received without the prescribed fee and that the amount due was \$860.00.

We were notified November 8, 1996, by the Division of Accounting and Finance that the prescribed fee had not been received and your amendment request is considered abandoned for nonpayment of fees. As of the date of this letter, the prescribed fee still has not been received. Therefore, NRC must consider your amendment request as having been abandoned by you and have voided your licensing action and the active control. This action is without prejudice to the resubmission of another amendment request.

Section 30.34(b) of 10 CFR Part 30 states that: "No license issued or granted to the regulations in this part, and Parts 31 through 36, and 39, 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." The regulations are clear that control of licenses cannot be transferred without prior written permission from the Commission. You should be aware that cases where changes of ownership or control occur without prior written consent from NRC may be treated as noncompliance with the provisions in Section 30.34(b).



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

NOV - 8 1996

MEMORANDUM FOR: Susan Greene
Commercial Section
Division of Industrial Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards

FROM: Glenda C. Jackson, Chief *J. M. Rodriguez*
License Fee Section
License Fee and Accounts Receivable Branch
Division of Accounting and Finance
Office of the Controller

SUBJECT: ABANDONMENT APPLICATIONS

We consider the enclosed applications abandoned for nonpayment of fees. The following applicants have not responded to our requests for payment:

<u>Name</u>	<u>Control No.</u>
Stocker & Yale, Inc.	021866
Fusion Systems Corp.	021867

We have closed out our records for these cases and are forwarding them to you for whatever action you deem necessary.

Enclosures: Stocker & Yale, Inc.
Fusion Systems Corp.

LICENSE FEE REQUIREMENTS

LICENSE FEE AND DEPT COLLECTION BRANCH
DIVISION OF ACCOUNTING AND FINANCE
OFFICE OF THE CONTROLLER
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001Fusion Systems Corporation
ATTN: Steven F. Holdin
Vice President, Corporate Quality
7600 Standish Place
Rockville, MD 20855

TYPE OF ACTION

- ☐ NEW LICENSE
- ☐ RENEWAL OF LICENSE
- ☒ AMENDMENT TO LICENSE

REQUESTED DATE

8-22-96

LICENSE NUMBER

19-23798-01E

CONTROL NUMBER

021367

I. APPLICATION FEE DUE

Your request for a licensing action is subject to the fee(s) in the category(ies) noted below in accordance with Section 170.31 of the enclosed Federal Register notice. Payment of the fee is required prior to the issuance of the license, renewal, or amendment.

FEE CATEGORY	APPLICATION	RENEWAL	AMENDMENT
31	\$	\$	\$ 860.00
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

FEE(S) DUE	\$	860.00
PAYMENT RECEIVED	\$	0.00
AMOUNT DUE	\$	860.00

- ☒ Your request was received without the prescribed application fee.
- ☐ We received your Check No. _____ in the amount of \$ _____. Payment of the additional fee noted above is required.
- ☐ Your request will increase the scope of your license program. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(d)(2).
- ☐ Your license expired prior to the receipt of your application for renewal. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(a).

MAKE PAYMENT OF THE FEE(S) TO THE U.S. NUCLEAR REGULATORY COMMISSION AND MAIL THE PAYMENT TO THE ADDRESS LISTED AT THE TOP OF THIS FORM. IF WE DO NOT RECEIVE A REPLY FROM YOU WITHIN 30 CALENDAR DAYS FROM THE DATE LISTED BELOW, WE SHALL ASSUME THAT YOU DO NOT WISH TO PURSUE YOUR APPLICATION AND WILL VOID THIS ACTION.

II. FEE NOT REQUIRED

☐ Enclosed is Check No. _____ which accompanied your request. The fee is not required because:

☐ We received your Check No. _____ in payment of the fee.

☐ The Licensing staff has informed us that your request is to be considered as a continuation of your request dated _____, Control No. _____.

☐ Your request was combined, prior to review, with your request, Control No. _____.

III. CHECK RETURNED

☐ Enclosed is Check No. _____ which was returned to us by the bank for:

- ☐ INSUFFICIENT FUNDS
- ☐ ACCOUNT CLOSED
- ☐ OTHER

MAIL THE REPLACEMENT CHECK TO THE ADDRESS LISTED AT THE TOP OF THIS FORM AND REFERENCE THE ABOVE CONTROL NUMBER.

IV. LICENSE ISSUED WITHOUT THE REQUIRED FEE

☐ License No. _____ Amendment No. _____, issued on _____.

_____ was issued without the required fee being collected. The fee required is noted in Section I of this form.

☐ The scope of your licensed program was increased. Therefore, your request is subject to the application fee(s) noted in Section I of this form. Refer to Section 170.31 and Footnote 1(d)(2).

☐ Because of the urgency of your request, the license was issued without remittance of the prescribed fee noted in Section I of this form.

SIGNATURE -- LICENSE FEE ANALYST

Sandra Kimberley

LFDCB

sk

9/24/96

LFDCB

Distribution:

LFAR 5/F (LF-3.2.7)
" R/F S. G. H. W. P. S.

DATE

9/24/96



August 22, 1996

030-32547

By Telefax and U.S. Mail

(301) 415-5369 and (410) 631-3198

Susan L. Greene
Medical, Academic and Commercial Use Safety Branch
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Mail Stop T8F5
Washington, DC 20555-0001

Mr. Fletcher
Program Manager
Radioactive Materials Licensing Compliance and Safeguards Division
Maryland Department of the Environment
2500 Broening Highway
Baltimore, MD 21224

Re: MD Radioactive Material License No. MD-31-197-01
NRC Docket No. 030-32547 (NRC License No. 19-23798-01E)

Dear Ms. Greene and Mr. Fletcher:

Fusion Systems Corporation is currently licensed to possess and use certain radioactive materials at specified Maryland locations, pursuant to License MD-31-197-01, issued by the Radiological Health Program of Maryland's Department of the Environment ("MDE/RHP"). In addition, Fusion Systems Corporation is currently licensed by the U.S. Nuclear Regulatory Commission ("NRC") to distribute electron tubes containing limited amounts of radioactive materials (the "Regulated Product") (NRC License No. 19-23798-01E).

Fusion Systems Corporation and certain of its subsidiaries (collectively "Fusion") are engaged in the business, among others, of designing, manufacturing, printing and coating applications in numerous industries (the "UV Curing Business").¹ Fusion would now like to sell the UV Curing Business to Fusion UV Systems, Inc. ("Fairey"), a subsidiary of Fairey Investments, Inc. and their affiliates. See the attached letter from Fairey to the NRC and MDE/RHP. Fairey will operate the UV Curing Business in the United States.

Therefore, Fusion and Fairey hereby request that the NRC and the MDE/RHP give their consent in writing to the transfer of the referenced licenses to Fairey. As you

¹ Fusion UV Curing Systems Corporation is a primary subsidiary involved in the UV Curing Business.

021867

know, both the NRC and the MDE/RHP regulations authorize the agencies to consent such license transfers.²

Description of the Contemplated Transaction

In simplified terms, Fairey will purchase substantially all of the assets of Fusion's UV Curing Business, subject to certain liabilities, on the terms and subject to the conditions set forth in a Purchase Agreement dated as of August 14, 1996 between Fairey and Fusion. Fairey plans to hire and employ the key Fusion personnel who have been responsible for Fusion's radioactive materials possession, use and distribution.³ Fairey plans to conduct its radioactive material operations at the locations now covered by Fusion's licenses. Currently, Fairey does not anticipate any changes in location, facilities, equipment, personnel, use, possession, storage or distribution of radioactive materials that would require an amendment of either license. However, Fairey shall submit an application for an amendment (of each license) to reflect the change in identity of the licensee. Fairey plans to use Fusion's docketed documents as the basis for preparing their applications for license amendment. Fairey shall assume full responsibility for each of the referenced licenses.

From time to time, following transfer of the licenses, Fairey may supply to Fusion, and Fusion may buy from Fairey, various quantities of the Regulated Product. Fusion seeks NRC confirmation that, since Fusion will no longer "initially transfer [the Regulated Product] for sale or distribution....",⁴ Fusion is exempt from the "Distribution License" requirement with respect to the Regulated Product.

Because Fairey will seek amendment of Fusion's existing licenses, rather than apply for new licenses, Fusion believes that neither the NRC nor the MDE/RHP regulations require Fusion to terminate its licenses as a separate action. Fusion seeks confirmation, from both the NRC and the MDE/RHP, that Fusion is not required to undertake any further termination activities or filings.

Contact Information

Please direct any questions or comments concerning this submission to:

For FUSION: Steven F. Hodlin (301) 738-0022 (ext. 5301)
Vice President, Corporate Quality
Fusion Systems Corporation
7600 Standish Place
Rockville, Maryland 20855

² 10 C.F.R. § 30.34(b); and Section C.31(b) of the Maryland Regulations for the Control of Ionizing Radiation (eff. 10/09/95). Both the NRC and the MDE/RHP regulations provide, in pertinent part, that radioactive materials licenses may not be "transferred, assigned or in any manner disposed of . . . through transfer of control of any license to any person, unless the [Commission or Agency] 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" (emphasis added).

³ The information in this paragraph is based on the representations of Fairey in the attached letter.

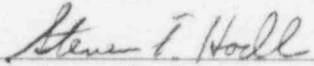
⁴ 10 C.F.R. § 30.15.

Letter to Susan L. Greene, U.S. Nuclear Regulatory Committee and
Mr. Fletcher, Program Manager, Radiological Health Program, Maryland Department of the Environment
August 22, 1996

Thank you for your attention to this matter.

Very truly yours,

FUSION SYSTEMS CORPORATION



By: Steven F. Hodlin

Its: Vice President, Corporate Quality

cc: Paul V. Boughton
David Harbourne
Fusion UV Systems, Inc.
910 Clopper Road
Gaithersburg, MD 20878

Phone: (301) 527-2660

Fax: (301) 527-2661

Deirdre M. von Moltke
Sidley & Austin
One First National Plaza
Chicago, IL 60603

Phone: (312) 853-7000

Fax: (312) 853-7036

910 Clopper Road
Gaithersburg, MD 20878 1057 USA
301. 527. 2660 ext 8330
301. 527. 2661 fax



FUSION UV SYSTEMS, INC.

August 22, 1996

Susan L. Greene
Medical, Academic, and Commercial Use Safety Branch
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Mr. Fletcher
Program Manager
Radioactive Materials Licensing Compliance and Safeguards Division
Maryland Department of the Environment
2500 Broening Highway
Baltimore, MD 21224

Re: MD Radioactive Material License No. MD-31-197-01 NRC
Docket No. 030-32547 (NRC License No. 19-23798-01E)

Dear Ms. Greene and Mr. Fletcher:

In reference to the attached letter sent to you by Fusion Systems Corporation, Fusion UV Systems, Inc. ("Fairey") acknowledges that, as the transferee of substantially all of the UV Curing Business (as defined in the attached letter) of Fusion Systems Corporation and its affiliates, Fairey will continue to operate the UV Curing Business in compliance with the terms and conditions of the above-referenced licenses. Fairey also confirms that it plans to conduct the UV Curing Business in the manner described in the Fusion Letter and that it will submit an application for an amendment of each license to reflect the change in identity of the licensee. Fairey agrees to assume full responsibility for each of the above-referenced licenses.

Susan L Greene
Mr. Fletcher
August 22, 1996
Page 2

Please direct any questions or comments concerning this submission to: Laura Leonard, Sidley & Austin, One First National Plaza, Chicago, Illinois 60614; Telephone: (312) 853-7620.

Thank you for your attention to this matter.

Very truly yours,

FUSION UV SYSTEMS, INC.

By: 

Title: _____

cc: Steven F. Hodlin

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

(FOR LFMS USE)
INFORMATION FROM LTS

Program Code: 03251
Status Code: 0
Fee Category: 3I
Exp. Date: 20030228
Fee Comments:
Decom Fin Assur Req'd: N

LICENSE FEE TRANSMITTAL

A. REGION 0

1. APPLICATION ATTACHED

Applicant/Licensee: FUSION SYSTEMS CORP.
Received Date: 960827
Docket No: 3032547
Control No.: 021867
License No.: 19-23798-01E
Action Type: Amendment

*Do Not
Issue*

2. FEE ATTACHED

Amount:
Check No.: /

3. COMMENTS

Signed
Date

C Boyle 9/11/96

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

1. Fee Category and Amount: 3I

2. Correct Fee Paid. Application may be processed for:

Amendment /
Renewal /
License /

3. OTHER /

Signed
Date

Sh 11/14/96

Log	<u>Aug. 1 1996</u>
Remitter	
Check No.	
Amount	
Fee Category	
Type of Fee	
Date Check Rec'd	
Date Completed	<u>11/8/96</u>
By:	<i>sh</i>

**Fee Unpaid
Abandoned**

R1201021

LICENSING TRACKING SYSTEM

DATE: 960910
PAGE: 1

LTS WORKSHEET

DOCKET NO : 03032547 LICENSE NO : 19-23798-01E STATUS: 0
MAIL CONTROL: 021867 RECEIPT DATE : 960827 ACTION TYPE: 4
DUE DATE : 961125
FED. GOVT : C INST. CODE : 23798 LICENSE REGION: 0
ISSUE DATE: 940902 ORIGINAL DATE: 930208 EXPIRATION DATE: 20030228
NAME : FUSION SYSTEMS CORP. DECOM FIN ASSUR REQD: N
SUBM: -
DEPT/BUREAU: _____ CONT PLAN REQD: N APPRV: -
BUILDING : _____
STREET : 7600 STANDISH PLACE
CITY : ROCKVILLE STATE: MD ZIP: 208552798
CONTACT PERSON: JEROME D. FRANK PHONE: 301-251-0300

PRIMARY PGM CODE : 03251 SECONDARY PGM CODES: _____

INSPECTION REGION: 1 PRIORITY CODE: 5 INSPECTION CATEGORY: E

RADIATION SAFETY OFFICER: JEROME D. FRANK

STATES WHERE USE IS AUTHORIZED: 1 0 - ALL LISTED STATES
1 - SAME AS STATE IN ADDRESS
2 - ALL STATES
3 - NON-AGREEMENT STATES
AUTHORIZED STATES: _____ (USE ONLY IF ABOVE IS ZERO)

REPORTING IDENTIFICATION SYMBOL: _____

APPROVAL FOR: REDISTRIBUTION: N STORAGE ONLY: N
TEMPORARY JOB SITES: N INCINERATION: N
BURIAL: N

EXEMPTIONS: (1) _____ (2) _____

pls assign

POSSESSION LIMIT INFORMATION

PAGE: 2

MATERIAL TYPE : NPA FORM CODE: NPA AGGREGATE CODE: NPA
MODEL NUMBER : _____
DESCRIPTION : _____
TOTAL QUANTITY : 0000000.000000000 UNIT: _____
OTHER : _____ # SOURCES: _____

MATERIAL TYPE : _____ FORM CODE: _____ AGGREGATE CODE: _____
MODEL NUMBER : _____
DESCRIPTION : _____
TOTAL QUANTITY : _____ UNIT: _____
OTHER : _____ # SOURCES: _____

MATERIAL TYPE : _____ FORM CODE: _____ AGGREGATE CODE: _____
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DESCRIPTION : _____
TOTAL QUANTITY : _____ UNIT: _____
OTHER : _____ # SOURCES: _____

MATERIAL TYPE : _____ FORM CODE: _____ AGGREGATE CODE: _____
MODEL NUMBER : _____
DESCRIPTION : _____
TOTAL QUANTITY : _____ UNIT: _____
OTHER : _____ # SOURCES: _____

MATERIAL TYPE : _____ FORM CODE: _____ AGGREGATE CODE: _____
MODEL NUMBER : _____
DESCRIPTION : _____
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OTHER : _____ # SOURCES: _____

MATERIAL TYPE : _____ FORM CODE: _____ AGGREGATE CODE: _____
MODEL NUMBER : _____
DESCRIPTION : _____
TOTAL QUANTITY : _____ UNIT: _____
OTHER : _____ # SOURCES: _____

MATERIAL TYPE : _____ FORM CODE: _____ AGGREGATE CODE: _____
MODEL NUMBER : _____
DESCRIPTION : _____
TOTAL QUANTITY : _____ UNIT: _____
OTHER : _____ # SOURCES: _____

NAME

AUTHORIZATION

_____	_____
_____	_____
_____	_____
_____	_____

ADDRESS WHERE MATERIAL IS USED OR POSSESSED

BUILDING: _____	_____
ROOM: _____	_____
STREET: _____	_____
CITY: _____	_____
STATE: _____	_____

BUILDING: _____	_____
ROOM: _____	_____
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CITY: _____	_____
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BUILDING: _____	_____
ROOM: _____	_____
STREET: _____	_____
CITY: _____	_____
STATE: _____	_____

DOCKET: 03032547 LIC: 19-23798-01E NAME: FUSION SYSTEMS CORP.

PARTY ISSUING MECHANISM: ASSUR TYPE : _ (C=CERT D=DFP)
NAME : MECH TYPE : _
ADDR1 : MECH AMOUNT : _
ADDR2 : APPROVED? DATE : _
CITY : EXPIRES ? DATE : _
STATE : ZIP : _

PARTY ISSUING MECHANISM: ASSUR TYPE : _ (C=CERT D=DFP)
NAME : MECH TYPE : _
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ADDR1 : MECH AMOUNT : _
ADDR2 : APPROVED? DATE : _
CITY : EXPIRES ? DATE : _
STATE : ZIP : _

PAGE : 5

INTERIM STORAGE UP TO 1996: N