UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 28, 2004

Docket No. 03012894 License No. 37-02006-09
Control No. 133877

Charles G. Krisch
Vice President
Lockheed Martin Commercial Space Systems
100 Campus Drive
Newtown , PA 18940

SUBJECT: LOCKHEED MARTIN COMMERCIAL SPACE SYSTEMS, VOIDANCE OF APPLICATION FOR LICENSE AMENDMENT, CONTROL NO. 133877

Dear Mr. Krisch:

This refers to your request dated April 25, 2003, to remove thorium from your above listed NRC license. In my letter dated October 27, 2003, I had explained to you the reasons why this material could not be removed from your license, and had requested additional information in order to remove your Newtown facility from your license.

In response to my letter dated January 22, 2004, Ms. Charlene McIntyre of your staff called me on January 28, 2004, stating that you only wanted to delete thorium from your license and wanted to maintain your facility in Newtown, Pennsylvania, as authorized location of use of licensed material. She later confirmed this conversation in a letter dated January 28, 2004.

Please note that your license authorizes thorium for use at your Newtown facility only, and according to your letter dated July 7, 2003, you ceased to use thorium in 2003. The NRC regulations in 10 CFR 30.36(d) require that within 60 days of the decision to cease licensed activities at a site, you initiate decommissioning of the site and complete the decommissioning within 2 years. Therefore, we can not delete thorium from your license until your facility is decommissioned and final radiological surveys of the facility demonstrate that the facility meets the NRC criteria for release for unrestricted use. Please be reminded that all regulatory requirements, and conditions of your license applicable to this facility remain in effect until you have received a written notification from the NRC that the facility may be released for unrestricted use.

Based on the information provided to me by Ms. McIntyre and because of the regulatory requirements, we unable to approve your request to remove thorium from your license and have voided the licensing action. This action is taken without prejudice to the resubmission of your request.

Please feel free to contact me at (610) 337 5364 if you have any questions regarding this matter.

Sincerely,

Original signed by Sattar Lodhi, Ph.D.

Sattar Lodhi, Ph.D.
Health Physicist
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

Enclosure:
NRC letter dated October 27, 2003

cc:
Sidney W. Porter, C.H.P., Radiation Safety Officer
Clare V. LumKong, EHS Manager

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