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January 25, 2006

*Certified mail # 7004 2510 0005 3557 9942  
R.R.R.*

Ms. Elizabeth Ullrich  
Licensing Assistance Team  
Nuclear Materials Safety Branch  
US Nuclear Regulatory Commission, Region I  
475 Allendale Road  
King of Prussia, PA 19406-1415

*MS16*

*Q-9*

**Re: Byproduct Material License Termination Request; License Number 29-10211-01**

**Mail Control No.: 138080; Docket No.: 03005379**

Dear Ms. Ullrich:

In December 2005 we applied to the NRC to terminate our byproduct material license, number 29-10211-01. This letter responds to the three questions you asked in your letter dated 5 January 2006. Here are our responses to:

**Question 1**

We have reviewed NRC regulation 32.18 entitled, "Manufacture, distribution and transfer of exempt quantities of byproduct material: Requirements for license." This regulation speaks only to commercial distribution of exempt quantities. We are not proposing commercial distribution of the H-3 and C-14 materials described in our application to terminate. Instead we are proposing to transfer these exempt quantities to Fisher Scientific as allowed pursuant to 10 CFR 30.41, entitled, "Transfer of byproduct material." In particular, 10 CFR 30.41(b)(3) allows transfer "to any person exempt from the licensing requirements of the Act and regulations in this part, to the extent permitted under such exemption."

We believe that the above regulation allows us to transfer these exempt quantities to Fisher Scientific, which will continue to possess them without the need for a license. As described in our previous letter, the total quantities of H-3 and C-14 that we possess are substantially below the exempt quantity for each radionuclide respectively. To the extent this interpretation is acceptable to the NRC, we confirm that all licensed material that is not generally licensed or exempt from licensing has been disposed of.

*138080*

*NRCS-10-10-2006-001*

## Question 2

As requested, we will conduct the radiation contamination surveys to detect any residual radioactivity. Since the swipes will be sent to an outside commercial lab for liquid scintillation analysis, the results of the survey will be forwarded as soon as available.

## Question 3

The Fair Lawn, NJ facility is located in an industrial zone. The main facility is made up of four connected buildings-building 1, 2, 3 and 5 for a total area of 96816 sq ft. The facility sits on approximately 9 acres. The closest residential area is approximately 200 feet from the east end of the facility. The areas in which our radioactive materials are used and stored are in building one and building two- 70,800 sq ft and 10,080 sq ft respectively. Building 1 includes a cafeteria, general office areas, laboratories, chemical warehouse storage, and a chemical packaging operation. Radioactive materials are used in the instrument laboratory and the wet laboratory each a total of 600 square feet-for a total of 1,200 square feet. Building 2 includes a process area and a waste storage and handling area. Radioactive materials are stored in the waste storage room, which is equal to 4,608 square feet. Within this room, the radioactive waste is stored within an enclosed safety cabinet. Building 3 is a chemical manufacturing area and building 5 is a warehouse storage area. Radioactive materials are not used or stored in either.

I believe the above information fulfills your request. In the event, you need additional information, please contact me directly. Again, survey results to follow in a separate response.

Sincerely,



Manny Serrano  
VP-Global Chemical Operations  
Fisher Scientific Company  
1 Reagent Lane  
Fair Lawn, NJ 07410