



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

March 17, 2006

Docket No. 99990001
CAL No. 1-06-002

James Sharkey
Senior Vice President
Acceliner Service Company, Ltd.
Dba Oncology Services, International
500 N. Franklin Turnpike
MB 8
Ramsey, NJ 07446

SUBJECT: CONFIRMATORY ACTION LETTER NO. 1-06-002

Dear Mr. Sharkey:

On July 20, 1999, NRC issued a general license pursuant to 10 CFR 40.25 to Acceliner Service Company, Ltd. located in Ramsey, New Jersey (File No. 184), authorizing the use of depleted uranium (DU) contained in devices. At your request, on March 7, 2006, Mr. Kevin Zarko, your service engineer, contacted the NRC by electronic mail (e-mail). Mr. Zarko sought guidance regarding NRC requirements for reporting transfers of DU under the general license. On March 14, 2006, Richard McKinley and Randolph C. Ragland, Jr. of our office contacted Mr. Zarko by telephone to address his questions. During that telephone call, Mr. Zarko reported that Oncology Services International, an Acceliner company, provides a linear accelerator removal and disposal service for clients, and that part of the disposal process includes removal of DU from the linear accelerator for transfer to a licensed waste broker, Philotechnics, Ltd. (State of Tennessee License No. R-01084-A08). Mr. Zarko also stated that since 2004, approximately 12 linear accelerators have been dismantled, including the removal of DU, at Oncology Services International's facility at 1970 Rutgers University Boulevard, Lakewood, New Jersey. He stated that three dismantled linear accelerators remain on-site. Oncology Services International had not previously notified NRC of the prior transfers of DU in accordance with the conditions of the general license. Mr. Ragland and Mr. McKinley informed Mr. Zarko that the removal of DU from linear accelerators is not authorized by the general license. On March 15, 2006, Mr. Ragland and Mr. Ronald Rolph of this office conducted an inspection at your facilities located at 1970 Rutgers University Boulevard and 950 Airport Road in Lakewood, New Jersey, and confirmed the information reported by Mr. Zarko.

These events, involving the removal of the DU, are of particular concern to the NRC because your license exempts you from the requirements in 10 CFR Part 20, "Standards for Protection Against Radiation." It does so because you are not expected to come into direct contact with or handle DU. Your activities, which include the removal, handling, and packaging of DU for disposal involve directly handling radioactive material and therefore, require a formal radiation protection program that is reviewed by the NRC and approved via a specific license.

Pursuant to a telephone conversation between you and Randolph C. Ragland, Jr., Acting Chief of the Medical Branch of this office on March 17, 2006, it is our understanding that you have taken or will take the following actions, which will be completed by the dates specified:

1. Immediately stop all operations involving the removal and handling of DU shielding components from linear accelerators;
2. Do not machine, drill or in any way change the size or shape of the DU shielding components that you currently possess;
3. Within 60 days, apply for a specific NRC license to authorize possession and use (to include removal of DU shielding components from linear accelerators);
4. Within 30 days, provide a written report to the NRC Region I office and to the Director, Division of Nuclear Materials Safety documenting all DU transfers conducted under the general license by Acceliner Service Company or Oncology Services, International, that were not reported to NRC under your general license in accordance with the requirements of 10 CFR 40.25;
5. Within 30 days, provide the names and addresses of all facilities that transferred DU to your facility. Include in this report, the make and model number of each accelerator received.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee, nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The current NRC Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

/RA Pamela Henderson Acting for/

George Pangburn, Director
Division of Nuclear Materials Safety

cc:
Glenn Davis, Vice President, Installation
State of New Jersey

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