



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PO Box 402.

TRENTON, NJ 08625-0402  
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MS 16

Q-5

LISA P. JACKSON  
Commissioner

JON S. CORZINE  
Governor

April 24, 2006

Mr. James Dwyer, Branch Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

29-07009-05  
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REGION 1

Dear Mr. Dwyer:

As Commissioner of the New Jersey Department of Environmental Protection (DEP), I am responsible for the Radiation Protection Program, which includes the Bureau of Nuclear Engineering. Further, under the authority of the State's annual Appropriation Act, I am authorized to allocate funds from the Department of Environmental Protection's appropriation for the Nuclear Emergency Response Program for decommissioning activities associated with operations authorized by the U.S. Nuclear Regulatory Commission, Material License No. 29-07009-05. Within this authority, I intend to request that funds be made available when necessary in the amount of \$225,000 to decommission DEP facilities located at 25, 33 and 35 Arctic Parkway, Trenton, New Jersey. I will ensure that these funds are requested and obtained sufficiently in advance of decommissioning to prevent delay of required activities.

A copy of the enabling legislation, P.L. 1981, c.302, N.J.S.A. 26:2D is available on the web at [www.state.nj.us/dep/rpp/njrules.htm](http://www.state.nj.us/dep/rpp/njrules.htm). Enclosed as evidence that I am authorized to represent the New Jersey Department of Environmental Protection in this transaction is Enclosure 1, N.J.A.C. 7:1, Department Organization, and Enclosure 2, Authority N.J.S.A. 13:1B-3, Duties of Commissioner.

Sincerely yours,

Lisa P. Jackson  
Commissioner

Enclosures

**NONNEGOTIABLE**

137619

NMCC/RGN MATERIALS-002

CERTIFICATION OF FINANCIAL ASSURANCE

Principal: New Jersey Department of Environmental Protection, Radiation Protection Programs, Bureau of Nuclear Engineering, PO Box 415, Trenton, New Jersey 08625-0415.

DEP facilities at 25, 33 and 35 Arctic Parkway, Trenton, New Jersey 08625.

NRC license number: 29-07009-05

Name and address of the facility: DEP facilities at 25, 33 and 35 Arctic Parkway, Ewing NJ 08638

Issued to: U.S. Nuclear Regulatory Commission

I certify that the New Jersey Department of Environmental Protection, Radiation Protection Programs, Bureau of Nuclear Engineering is licensed to possess the following types of materials: unsealed byproduct material with a half-life greater than 120 days licensed under 10 CFR Part 30 in the following amounts:

<u>Type of Material</u>	<u>Chemical and/or Physical form</u>	<u>Amount of Material</u>
Americium 241	Any	50 microcuries
Cadmium 109	Any	100 microcuries
Cesium 137	Any	100 microcuries
Iodine 131	Any	100 microcuries
Strontium 89	Any	100 microcuries
Strontium 90	Any	100 microcuries
Cobalt 60	Any	100 microcuries
Any byproduct, source or special nuclear material with Atomic numbers 1-96	Calibration sources	100 microcuries
Any byproduct, source or special nuclear material with Atomic numbers 1-96	Environmental samples	100 microcuries

I also certify that financial assurance in the amount of \$225,000 has been obtained for the purpose of decommissioning as prescribed by 10 CFR Part 30.

Signature:   
Lisa P. Jackson  
Commissioner

Date: 4/24/04

Enclosure 1

NOTE: THIS IS A COURTESY COPY OF THIS RULE. THE OFFICIAL VERSION IS AVAILABLE FROM LEXISNEXIS™. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

**N.J.A.C. 7:1 DEPARTMENT ORGANIZATION**

Authority: N.J.S.A. 13:1B-3d, 13:1B-3e, 13:1B-5a, and 52:14B-4(b)

Effective Date: August 5, 2005

Expiration Date: (5 years from effective date)

**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:1-1.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Delegee" means the Chief of Staff, Counselor to the Commissioner, any Deputy or Assistant Commissioner, Director, or other individual within the Department, to whom or to which any power, duty or authority of the Commissioner or the Department has been delegated.

"Department" means the Department of Environmental Protection.

"Organizational unit" means any division, office, bureau or other entity within the Department.

**7:1-1.2 Organization of the Department**

(a) The Commissioner is the administrator and head of the Department, and has the duties listed in N.J.S.A. 13:1B-3. The Deputy Commissioner, the Chief of Staff, two Counselors to the Commissioner, and eight Assistant Commissioners, report directly to the Commissioner.

(b) The Deputy Commissioner, who is second in command to the Commissioner, provides policy recommendations to the Commissioner and serves as Acting Commissioner in the Commissioner's absence or disability.

## CONSERVATION AND DEVELOPMENT

### ARTICLE I. [ESTABLISHMENT, COMMISSIONER AND COMPOSITION]

**13:1B-1.** Repealed by L.1981, c. 78, § 1, eff. March 25, 1981

#### Historical and Statutory Notes

The repealed section, added L.1948, c. 448, § 1, established the department of conservation and economic development and defined "department".

Section 2 of L.1981, c. 78, approved March 25, 1981, provided:

"a. All of the functions, powers and duties provided in any law or section thereof repealed by this act and hereto-

fore transferred by law to an existing department or agency thereof shall continue to be exercised or performed by that department or agency.

"b. Nothing in this act shall be construed to relinquish or impair any interest in land acquired by the State pursuant to any law or section thereof repealed by this act."

**13:1B-2.** Commissioner of Conservation and Economic Development; appointment; term; salary

The administrator and head of the department shall be a commissioner, who shall be known as the Commissioner of Conservation and Economic Development, and who shall be a person qualified by training and experience to perform the duties of his office. The commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. He shall receive such salary as shall be provided by law.

L.1948, c. 448, p. 1784, § 2, eff. Jan. 1, 1949.

#### Cross References

Appointment, qualification of officers and employees in the executive and administrative departments, see § 52:14-7 et seq.

Salaries of departmental officers, see § 52:14-15 et seq.

#### Library References

American Digest System

States ¶44, 46, 48.  
Westlaw Topic No. 360.

Encyclopedias

C.J.S. States §§ 61, 80, 82 to 84, 91,  
102.

**13:1B-3.** Duties of commissioner

The commissioner, as head of the department, shall:

a. Administer the work of the department;

## DEPARTMENT

13:1B-3

b. Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11 of the Revised Statutes, Civil Service,<sup>1</sup> and other applicable statutes, except as herein otherwise specifically provided;

c. Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law;

d. Organize the work of the department in such divisions, not inconsistent with the provisions of this act and in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation;

e. Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law;

f. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

g. Institute or cause to be instituted such legal proceedings or processes as may be necessary properly to enforce and give effect to any of his powers or duties;

h. Make an annual report to the Governor and to the Legislature of the department's operations, and render such other reports as the Governor shall from time to time request or as may be required by law.

i. Co-ordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicating functions;

j. Integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein; and

k. Perform such other functions as may be prescribed in this act<sup>2</sup> or by any other law.

L.1948, c. 448, p. 1784, § 3, eff. Jan. 1, 1949.

<sup>1</sup> See, now, § 11A:1-1 et seq.

<sup>2</sup> N.J.S.A. §§ 13:1B-1 to 13:1B-72.

#### Cross References

Administrative Procedure Act, see § 52:14B-1 et seq.

Authority to repair beach fronts and dredge streams, see § 12:6A-1 et seq.

Powers and duties of commissioner continued in the department of environmental protection, see § 13:1D-2.

State officers and employees, appointment and qualifications, see § 52:14-7 et seq.