



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

August 25, 2006

Docket No. 03005459
Control No. 139268

License No. 29-13633-01

Reng-Lang Lin, Ph.D.
Lab Director
New Jersey State Toxicology Lab
325 Norfolk Street
Newark, NJ 07103

SUBJECT: NEW JERSEY STATE TOXICOLOGY LAB, REQUEST FOR ADDITIONAL INFORMATION CONCERNING APPLICATION FOR AMENDMENT TO LICENSE, CONTROL NO. 139268

Dear Dr. Lin:

This is in reference to your letter dated August 8, 2006 requesting to amend Nuclear Regulatory Commission License No. 29-13633-01. The guidance to terminate a license can be found in NUREG-1757, Volume 1, Revision 1, "Consolidated NMSS Decommissioning Guidance, Decommissioning Process for Material Licenses," please see section 8.2. In order to continue our review, we need the following additional information:

1. Your application should have been signed by a management representative rather than Dr. Havier. Please submit a letter signed by a management representative indicating that management has reviewed the termination request and concurs in the statements and representations contained therein. This may be done by signing the Form 314 (enclosed).
2. For other than sealed sources, perform a radiation survey and submit the results in accordance with 10 CFR 30.36(j) or demonstrate that the facility, or portion of the facility, meets NRC criteria for unrestricted use. Guidance on surveys is found in Figure 8.1, Section 15.4 of this volume, and Consolidated NMSS Decommissioning Guidance, Volume 2.
3. For all sealed sources with which you were in possession within three years, provide results from the most recent leak tests demonstrating there has been no leakage and for sources that are have been out of your possession for greater than three years, state if there is any recorded or known history of source leakage at the facility.
4. When a licensee terminates licensed activities or licensed activities are transferred to another licensee, the regulations in 10 CFR 30.35(g) require that records of information important to decommissioning be transferred to the U.S. Nuclear Regulatory Commission or to a successor licensee to ensure their long-term availability. Please transfer the following records, or affirm that they are not required to be retained, that pertain to:

- a. the decommissioning of your facility including records of burials; and
- b. records of offsite releases and waste disposal including effluent releases, release to sewers, incineration, and radioactive material spills.

Records may be transferred to the U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, or to the new licensee if licensed activities will continue at the same location under another Commission license.

No transfers or changes of ownership or license terminations will be authorized unless all records considered important to the safe and effective decommissioning of the facility in 10 CFR 30.35(g) have been transferred to the person continuing the licensed activity, or to the Commission for license terminations.

5. Submit NRC Form 314, "Certificate of Disposition of Materials," or equivalent information. Written confirmation from the recipient listed on NRC Form 314 that the material has been transferred to them should be attached to the Form 314.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. 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 8:00 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 139268. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5366.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we will assume that you do not wish to pursue your application.

Sincerely,

Original signed by Dennis R. Lawyer

Dennis R. Lawyer
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

cc:
Robert Havier, Ph.D., Radiation Safety Officer

Enclosure:
NRC Form 314

DOCUMENT NAME: E:\Filenet\ML062400259.wpd

SUNSI Review Complete: DLawyer

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