



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

June 29, 2007

Docket No. 03035986
Control No. 140592

License No. 07-30728-01

Mark Czerwinski
Radiation Safety Officer
Incyte Corporation
DuPont Experimental Station
Henry Clay Road and Route 141
Building 400
Wilmington, DE 19880

SUBJECT: INCYTE CORPORATION, REQUEST FOR ADDITIONAL INFORMATION
CONCERNING APPLICATION FOR AMENDMENT TO LICENSE, CONTROL
NO. 140592

Dear Mr. Czerwinski:

This is in reference to your letter dated May 29, 2007 requesting to amend Nuclear Regulatory Commission License No. 07-30728-01. In order to continue our review, we need the following additional information:

1. Prior to termination of a license, 10 CFR 30.35(g), 30.36(k)(4) and 30.51 require that you submit to the NRC certain records. Please confirm that the following records as applicable will be retained for eventual termination of the license for the facilities located at 1090 Elkton Road Building 112 and 115, Newark, Delaware.
 - a. for unsealed materials with half-lives greater than 120 days, records for disposal made pursuant to 10 CFR 20.2002 (alternate disposal procedures, including burial authorized prior to January 28, 1981), 20.2003 (disposals to the sanitary sewerage system), 20.2004 (incineration of wastes), 20.2005 (disposal of specific wastes including liquid scintillation cocktail and animal tissue), and 20.2103(b)(4), evaluations of effluent releases.
 - b. records important for decommissioning as described in 30.35(g), 40.36(f) and 70.25(g). Examples of such records include but are not limited to: records of contamination, identifying the radionuclides, quantities and concentrations; as-built drawings and modifications of structures and equipment in restricted areas and locations of inaccessible contamination such as buried pipes; a single list, updated at least every two years, of areas to which access is limited for the purpose of radiation protection (restricted areas); and records related to the provision of financial assurance.

2. One page 4 of your Decommissioning Report dated August and September 2003, you state that you will report removable contamination for the ^3H window and the ^{14}C window. However in the report, you only report a beta dpm/100cm² wipe test value. Please describe what the beta dpm/100cm² value represents and submit any unreported values.
3. The wipe tests were counted using a liquid scintillation counter. No documentation was evident that demonstrated that the liquid scintillation counter was calibrated or operating correctly. Please submit quality assurance documentation associated with the liquid scintillation counter.
4. Within building 112, only surveys for rooms 2, 28, and 37 were reported. Licensing applications had additionally requested license material usage in rooms 22, 26, 32, and 33. Please submit surveys for these areas or state that licensed materials were never used in this room.
5. In support of an environmental assessment related for the release of your facility:
 - a) Provide the name of the facility to be released
 - b) Provide the size of the complex in Acers, the 3 buildings in square feet and the area that used licensed material to be released in square feet.
 - c) Describe the type of building use such as "general office and laboratory"
 - d) Describe the surrounding area, such as "residential", "industrial", "commercial", "mixed residential/commercial", etc.
 - e) Describe the general type of activities authorized on the license, such as "laboratory procedures typically performed on bench tops and in hoods.
 - f) State when you ceased licensed activities at this site.
 - g) Would any of the buildings being released be considered a historical structure? If so, please state the historical importance and the effect of releasing the building would have on the structure.

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 **Regulations, Guidance, and Communications**. You may also 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. 140592. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5366.

M. Czerwinski
Incyte Corporation

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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:
Paula Swain, Executive Vice President, Human Resources

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