



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Division of Environmental Safety and Health
Bureau of Environmental Radiation
Radioactive Materials Program
P.O. Box 415
Trenton, NJ 08625-0415
Phone (609) 984-5557
Fax (609) 633-2210

BOB MARTIN
Commissioner

J-6

April 6, 2010

Mr. Dennis Lawyer
U. S. Nuclear Regulatory Commission
Division of Nuclear Materials Safety
Region I
475 Allendale Road
King of Prussia, PA 19406-1415

Subject: Financial Assurance
Bell Laboratories (Division of Lucent Technologies)
NRC License 29-00170-03, 29-00170-08, and SMB-1260

03005224

04002478

Dear Mr. Lawyer:

As you know, the State of New Jersey became an Agreement State on September 30, 2009. On December 10, 2009 we contacted Bell Laboratories, a Division of Lucent Technologies (Bell) to inform them of the need to issue new financial assurance documents with the State of New Jersey Department of Environmental Protection (NJDEP) as the beneficiary (Enclosure 1). Since Bell was in the process of decommissioning its sites that used radioactive material, NJDEP postponed the requirement for Bell to issue new financial assurance documents pending the outcome of decommissioning. On January 9, 2010, Bell was notified by NJDEP that they had met the NJDEP's decommissioning requirements (Enclosure 2). Although Bell still retains one license (29-00170-08), the quantity of material in its possession is below the threshold for requiring financial assurance.

This letter is to inform the Nuclear Regulatory Commission (NRC) that Bell's financial assurance documents currently being held by the NRC may be released. Bell would like these instruments to be released as soon as possible to avoid the renewal fee. Please copy us on your correspondence to Bell.

144531/144532
NJDEP/ENVIR/RADIATION

Thank you for your cooperation and assistance on this and all our new financial assurance endeavors. If you have any questions, please contact Dennis Zannoni at 609-777-4252 or Jenny Goodman at 609-984-5498.

Sincerely yours,



for Patricia Gardner, Manager
Agreement State Program

Enclosures

c: Mr. Riley, Alcatel-Lucent

Enclosure 1

**State of New Jersey**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Environmental Radiation

PO Box 415

Trenton, New Jersey 08625

Phone (609) 984-5400

Fax (609) 984-5595

JON S. CORZINE
*Governor*MARK N. MAURIELLO
Acting Commissioner

December 10, 2009

Mr. Richard Quick, Sr., Senior Manager
Radiation Safety Officer
Bell Laboratories
A Division of Lucent Technologies, Inc.
600 Mountain Avenue
Murray Hill, NJ 07974-0636

**Subject: New Jersey Radioactive Material License
Replacement of Financial Assurance Instrument**

Dear Mr. Quick:

As you are aware, on September 30, 2009, the State of New Jersey entered into an Agreement with the U.S. Nuclear Regulatory Commission (NRC) to assume regulatory authority over certain activities authorized by the Atomic Energy Act of 1954, 42 U.S.C 2011 et seq. This authority includes the issuance and regulation of Bell Laboratories' (Bell) radioactive materials license. As a licensee affected by this Agreement, Bell is required to maintain financial assurance with the State of New Jersey's Department of Environmental Protection (Department) as beneficiary for decommissioning costs pursuant to N.J.A.C. 7:28-51 and 58 (10 CFR 30 and 40 adopted by reference). Currently, Bell's financial assurance documents have the NRC as the beneficiary.

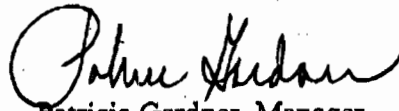
Please submit adequate financial assurance documents, with the Department as the beneficiary, to my attention no later than 90 days from the date of this letter. Failure to obtain a new financial assurance instrument with the Department as the beneficiary may subject Bell to future enforcement action by the Department, including the non-renewal of its radioactive material license and possible civil penalties.

You should contact Dennis Zannoni at (609) 984-4252 with any questions you have regarding the submission of appropriate financial assurance documents. Once you submit acceptable financial assurance documents to the Department, we will notify the NRC to return the financial assurance instrument currently held by them. Keep in mind that Bell must obtain a new independent financial instrument while the original financial instrument remains in place with the NRC.

We have received Bell's financial assurance documents from the NRC. In your June 6, 2008 correspondence to the NRC, Bell indicated the expectation that the facility would be decommissioned and the decommissioning cost estimate would be reduced. The Department has received the final status survey report and request to terminate license numbers 29-0017-03, SMB-1260, and NJSL 10078/01/21. After the Department has approved the terminations, a revised decommissioning funding plan is required. Until the Department receives new financial assurance documentation from Bell, the financial assurance instrument remains at \$1,407,375.

Thank you for your prompt attention to this matter.

Sincerely,



Patricia Gardner, Manager
Bureau of Environmental Radiation

c: Dennis Zannoni, Financial Assurance Coordinator
Jenny Goodman, Supervisor, Diffuse NARM, Source Material, General Licensing &
Decommissioning

Enclosure 2

**State of New Jersey**CHRIS CHRISTIE
*Governor*BOB MARTIN
*Acting Commissioner*KIM GUADAGNO
*Lt. Governor*DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Environmental Safety and Health
Bureau of Environmental Radiation
Radioactive Materials Program
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Phone (609) 984-5557
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January 29, 2010

Barry Dambach
BELL LABORATORIES DIV OF LUCENT TECH INC R&D
600 MOUNTAIN AVE
RM 7B-508
MURRAY HILL, NJ 07974RE: Notice of License Termination
BELL LABORATORIES DIV OF LUCENT TECH INC R&D
Program Interest Nos.: 425346 and 508025

Dear Barry Dambach:

The Bureau has received your documentation on the disposition of your radioactive materials. Therefore, your New Jersey Radioactive Materials License Nos.: RAD090001 - 425346 and RAD090001 - 508025 to possess and use radioactive materials is terminated. These include former license numbers NJSL-10078/01, 29-00170-03, and SMB-1260. Your former Nuclear Regulatory Commission license number 29-00170-08 is still active. For future reference, the New Jersey license number for this active license is 508304.

Although license 425346 and 508025 are terminated, it does not relieve you of the responsibility of consequences which might arise as the result of activities covered under these licenses.

Your cooperation in complying with NJAC 7:28-1 et seq. is appreciated.

Sincerely,

Jenny Goodman
Radioactive Materials Program
Diffuse NARM, Source Material, General
Licensing & Decommissioning