



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

October 6, 2006

Docket No. 03005594
Control No. 139413

License No. 32-00426-02

David Johnson, Ph.D.
Center Director
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Ocean Service
Center for Coastal Fisheries and Habitat Research
101 Pivers Island Road
Beaufort, NC 28516

SUBJECT: U.S. DEPARTMENT OF COMMERCE, REQUEST FOR ADDITIONAL
INFORMATION CONCERNING FINANCIAL ASSURANCE DOCUMENTS,
CONTROL NO. 139413

Dear Dr. Johnson:

This is in reference to your letter dated September 7, 2006 providing financial assurance for decommissioning for Nuclear Regulatory Commission License No. 32-00426-02. In order to continue our review, we need the following additional information:

10 CFR 30.35 requires that licensees authorized to possess and use unsealed licensed material with a half-life greater than 120 days in quantities greater than those described in 10 CFR 30.35(d) must submit certification for financial assurance or a decommissioning funding plan (DFP) in any new or renewal application. This plan must include an actual estimate of the costs for decommissioning your facility and a mechanism to fund the Plan. The appropriate level of detail for the cost estimate is discussed in Appendix A.3 to Volume 3 of NUREG-1757, "Consolidated NMSS Decommissioning Guidance." Submit certification for financial assurance in the prescribed amount using one or more of the approved financial assurance mechanisms provided in Chapter 4 to Volume 3 of NUREG-1757. Please follow closely the recommended wording for financial assurance mechanisms found in Appendix A to Volume 3 of NUREG-1757. You may request a license amendment which will limit the possession of unsealed licensed material of half-life greater than 120 days and thereby reduce or eliminate the required financial assurance.

The certification during renewal of your license in 2004 was not submitted. Additional quantities of materials were requested which raised the prescribed amount to \$1,125,000. Please provide the following information for your financial assurance:

- a) Certification of Financial Assurance, described on pages A-17 through A-23 of NUREG-1757, Volume 3. (Alternately the Decommissioning Funding Plan A-25 through A-44)

D. Johnson
U.S. Department of Commerce

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- b) A new Statement of Intent with the value as determined by the Certification of Financial Assurance, described on page A-149 through A-152. (Alternatively other authorized financial instrument)
- c) A copy of the documents that states the person signing the Statement of Intent is authorized.

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. 139413. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5366.

Sincerely,

Original signed by Dennis R. Lawyer

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

cc:
Sabrina Pittillo, Radiation Safety Officer

D. Johnson
U.S. Department of Commerce

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SUNSI Review Complete: DLawyer

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NAME	DLawyer/DRL							
DATE	10/06/2006							

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