



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

June 25, 2015

Herley Industries, Inc.  
Attn: Peter McGondel,  
Radiation Safety Officer  
10 Sonar Drive  
Woburn, MA 01801

**SUBJECT:   REQUEST FOR ADDITIONAL INFORMATION REGARDING HERLEY  
INDUSTRIES, INC. (FORMERLY HERLEY NEW ENGLAND) AMENDMENT  
REQUEST**

Dear Mr. McGondel:

This letter refers to your letter dated June 15, 2015, Agencywide Documents Access and Management System (ADAMS) Accession No. ML15168A007, concerning your request to amend U.S. Nuclear Regulatory Commission (NRC) exempt distribution materials license no. 20-13270-02E. In your letter, you requested the change of distributor name from Herley New England to Herley Industries, Inc. d.b.a. Ultra Electronics Herley Industries. In reviewing your letter, we find additional information is required to complete our review. In order to continue our review, please address the issues listed below.

1. The following information is required by 10 CFR 32.14, "Certain items containing byproduct material; requirements for license to apply or initially transfer," and described in the relevant guidance document NUREG-1556 Volume 8 titled "Program-Specific Guidance about Exempt Distribution Licenses."
  - a. Please provide a copy of your current Massachusetts possession license with the new company name, Herley Industries, Inc.
  - b. Please provide the proposed method of labeling or marking each unit, and its container with the identification of the manufacturer or initial transferor of the product and the byproduct material in the product.
2. The following information is described in NUREG-1556, Appendix F, "Information Needed for Transfer of Control Application." If any items are not applicable, so state.
  - a. Please indicate whether the transferor will remain in non-licensed business without the license.
  - b. Please provide a description of any changes in the use, possession, location, or storage of the licensed materials.
  - c. Please provide any changes in organization, location, facilities, equipment, procedures, or personnel that would require a license amendment even without transferring control.

- d. Please provide a description of the status of the facility, specifically, the presence or absence of contamination should be documented. If contamination is present, will decontamination occur before transfer? If not, does the successor company agree to assume full liability for the decontamination of the facility or site?
- e. Please provide a description of any decontamination plans, including financial assurance arrangements of the transferee, as specified in 10 CFR 30.35, 40.36, and 70.25. Include information about how the transferee and transferor propose to divide the transferor's assets, and responsibility for any cleanup needed at the time of transfer.
- f. Please confirm that the transferee agrees to abide by all commitments and representations previously made to NRC by the transferor. These include, but are not limited to: maintaining decommissioning records required by 10 CFR 30.35(g); implementing decontamination activities and decommissioning of the site; and completing corrective actions for open inspection items and enforcement actions.

With regard to contamination of facilities and equipment, the transferee should confirm, in writing, that it accepts full liability for the site, and should provide evidence of adequate resources to fund decommissioning; or the transferor should provide a commitment to decontaminate the facility before transferring control.

With regard to open inspection items, etc., the transferee should confirm, in writing, that it accepts full responsibility for open inspection items, and/or any resulting enforcement actions; or the transferee proposes alternative measures for meeting the requirements; or the transferor provides a commitment to close out all such actions with NRC before license transfer.

- g. Please provide documentation that the transferor and transferee agree to transferring control of the licensed material activity, and the condition of transfer; and the transferee is made aware of all open inspection items and its responsibility for possible resulting enforcement actions.

Please note that the NRC requires, in accordance with 10 CFR 2.1301 and 10 CFR 2.1305, that a notification of an application for a transfer of control (TOC) be posted for a 30-day public comment period. Consent for a TOC will not be granted by the NRC until this 30-day posting period has elapsed and the NRC has found that the transfer is in accordance with the Atomic Energy Act of 1954, as amended. A notice of your TOC application was posted on the NRC's "Hearing Opportunities and License Applications" webpage located at <http://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing-license-applications.html>.

Please be aware that you may request that certain portions of your submittal to NRC be withheld from public disclosure as proprietary information. To do this, you must execute an affidavit as specified in 10 CFR 2.390, "Public inspections, exemptions, requests for withholding." You must list all portions that you wish to be held proprietary, along with your reasoning as to why that is appropriate. While it is allowable, please refrain from submitting proprietary information in support of a license unless necessary. Keep in mind that all NRC licenses are considered to be in the public domain, and therefore may be viewed by any member of the public who requests to see them.

In accordance with 10 CFR 2.390 a copy of this letter will be available electronically for public inspection in NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have any questions, please contact me at (301) 415-6004 or electronic mail: [Hector.Rodriguez-Luccioni@nrc.gov](mailto:Hector.Rodriguez-Luccioni@nrc.gov).

Sincerely,

**/RA/**

Hector Rodriguez-Luccioni, Ph.D.  
Materials Safety Licensing Branch  
Division of Material Safety, State, Tribal,  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 030-04746  
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License No. 20-13270-02E

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If you have any questions, please contact me at (301) 415-6004 or electronic mail: [Hector.Rodriguez-Luccioni@nrc.gov](mailto:Hector.Rodriguez-Luccioni@nrc.gov).

Sincerely,

**/RA/**

Hector Rodriguez-Luccioni, Ph.D.  
Materials Safety Licensing Branch  
Division of Material Safety, State, Tribal,  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

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<b>OFFICE</b>	NMSS/MSLB	NMSS/MSLB	NMSS/MSLB	NMSS/MSLB
<b>NAME</b>	Hector Rodriguez-Luccioni	Shirley Xu	Hipolito Gonzalez	Hector Rodriguez-Luccioni
<b>DATE</b>	06/24/2015	06/24/2015	06/24/2015	06/25/2015

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