



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

February 7, 1992

Docket Nos. 030-05980, 030-05982,  
030-08335, 030-08444

License Nos. 37-00030-02, 37-00030-08,  
37-00030-09G, 37-00030-10G

Safety Light Corporation  
Lime Ridge Industries, Inc.  
Metreal, Inc.  
ATTN: Mr. Jack Miller, President  
4150-A Old Berwick Road  
Bloomsburg, Pennsylvania 17815

United States Radium Corporation  
USR Industries, Inc.  
USR Lighting, Inc.  
USR Chemical Products, Inc.  
USR Metals, Inc.  
U. S. Natural Resources, Inc.  
ATTN: Mr. Ralph T. McElvenny, Chairman  
550 Post Oak Blvd., Suite 550  
Houston, Texas 77027

Gentlemen:

SUBJECT: (1) DENIAL OF APPLICATIONS TO RENEW LICENSES AND  
(2) ORDER ESTABLISHING CRITERIA AND SCHEDULE FOR  
DECOMMISSIONING THE BLOOMSBURG SITE

This is in reference to the January 27, 1984, application to renew License No. 37-00030-02 (-02 License) and to the November 23, 1987, application to renew License No. 37-00030-08 (-08 License). The Nuclear Regulatory Commission (NRC or Commission) Staff has decided to deny the renewal applications, as described below.

As explained below, you may, within 20 days from the date of this letter, request a hearing. If you do not request a hearing within 20 days of the date of this letter, the license denials become effective 50 days from the date of this letter. This period includes 30 days to allow you to complete production for the purpose of removing byproduct material from the production line. On the effective date, this letter constitutes a final determination of the Commission that the -02 and the -08 Licenses have expired, and you must initiate procedures, pursuant to 10 C.F.R. § 30.36, to terminate your licenses in accordance with the requirements of the Order enclosed with this letter.

Please note that this denial does not alter the Orders Modifying Licenses (Immediately Effective) issued on March 16, 1989 (March 1989 Order), and August 21, 1989 (August 1989 Order), and you are still required to satisfy the requirements of those Orders.

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## DENIAL OF RENEWAL APPLICATIONS

By way of background, United States Radium Corporation (U. S. Radium), Safety Light Corporation (Safety Light), Lime Ridge Industries, Inc., Metreal, Inc., USR Industries, Inc. (USR Industries), USR Chemical Products, Inc., USR Metals, Inc., USR Lighting, Inc., and U. S. Natural Resources, Inc. (the Licensees) 1/, as described below, hold several licenses issued by the Commission pursuant to 10 C.F.R. Part 30.

One of these licenses is the -02 License, which the Atomic Energy Commission (AEC), the predecessor to the NRC, issued to U. S. Radium on June 20, 1956, and the NRC last amended on January 30, 1983, as corrected on March 7, 1983. The -02 License currently authorizes the possession of unspecified quantities of byproduct material in the form of contaminated facilities and equipment for purposes of decontamination, cleanup, and disposal of facilities and equipment previously used for research and development under the -02 License. The -02 License was due to expire by its terms on February 29, 1984. The -02 License has remained in effect in a "timely renewal" status because a renewal application was filed on January 27, 1984, at least 30 days before the expiration of the -02 License.

On August 5, 1969, the AEC issued a second license, the -08 License, to U. S. Radium. The -08 License authorizes the Licensees to possess and use various radioactive materials, but principally tritium (H-3), for research and development, manufacture of various products containing H-3, and the distribution of those products to persons specifically licensed to possess them. The -08 License was last amended on January 8, 1987, and was due to expire by its terms on December 31, 1987. The -08 License has remained in effect in a "timely renewal" status because a renewal application was filed on November 23, 1987, at least 30 days before the expiration of the -08 License. 2/

1/ U. S. Radium, Safety Light, and USR Industries and their subsidiaries and successors will be denoted as the Licensees throughout this letter. In a separate enforcement proceeding, the Atomic Safety and Licensing Appeal Board has affirmed the NRC's jurisdiction over USR Industries. Safety Light Corporation (Bloomsburg Site Decontamination), ALAB-931, 31 NRC 350 (1990), aff'g in part LPB-90-7, 31 NRC 116 (1990).

2/ The AEC issued three other licenses to U. S. Radium, including License No. 37-00030-10G (-10G License), issued on May 16, 1962; License No. 37-00030-07E (-07E License), issued on April 16, 1965, and terminated on October 10, 1991; and License No. 37-00030-09G (-09G License), issued on January 13, 1966. The -09G and -10G Licenses authorize distribution of specified products containing H-3 to persons generally licensed pursuant to 10 C.F.R. § 31.5 and 31.7, respectively, of NRC's regulations or equivalent provisions of the regulations of any Agreement State. The -07E License authorized distribution of specified products containing H-3 to persons exempt from licensing, pursuant to 10 C.F.R. § 30.15 or equivalent provisions of the regulations of any Agreement State. These three licenses do not authorize possession or use of licensed material; and the -08 License authorizes the possession and use of the products specified in the -07E, -09G, and -10G Licenses. This denial of the renewal applications for the -02 and -08 Licenses does not directly affect these other three licenses.

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As of July 27, 1990, the Licensees were required to comply with 10 C.F.R. § 30.35 of the Commission's regulations, which requires a licensee authorized to possess certain quantities of licensed materials having certain characteristics to submit a decommissioning funding plan (DFP) or certification of financial assurance for decommissioning in the amount prescribed in 10 C.F.R. § 30.35 in accordance with criteria set forth in that section. The Licensees have not submitted DFPs or certifications of financial assurance, as required by 10 C.F.R. § 30.35(c). Therefore, the Licensees are not in compliance with this requirement with respect to both their -02 and -08 Licenses.

By letter dated July 27, 1990, Safety Light (1) stated that it had endeavored to obtain a surety bond in the amount of \$750,000 as required by 10 C.F.R. § 30.35 with respect to the -08 License, but had been unsuccessful in that endeavor; (2) asked NRC to consider its coverage and claims under several insurance policies as satisfying 10 C.F.R. § 30.35; and, in the alternative, (3) requested an exemption from 10 C.F.R. § 30.35. By letter dated December 11, 1990, the NRC Staff (1) notified Safety Light that it needed financial assurance of \$1,500,000 (i.e., \$750,000 for the -02 License and \$750,000 for the -08 License), (2) notified Safety Light that the insurance policies did not satisfy the requirements of 10 C.F.R. § 30.35, (3) denied Safety Light's request for an exemption from the regulation, and (4) issued a Demand for Information (DFI) to Safety Light. In addition, the December 11, 1990, letter informed Safety Light that, because its licenses had not been renewed before the July 27, 1990, deadline set in 10 C.F.R. § 30.35, it needed to submit a DFP as specified in 10 C.F.R. § 30.35(e) and (f), before the -02 and -08 Licenses could be renewed. The December 11, 1990, letter requested Safety Light's reply to the DFI and submission of a DFP within 30 days.

In its January 11, 1991, reply to the DFI, which it submitted under oath, Safety Light documented its weak financial position; stated that, because of its financial problems, it had not been able to obtain a commitment from a financial institution to provide the required financial instrument; and provided other information requested in the DFI. However, in reply to Section III, Item 4 of the DFI, Safety Light indicated that the NRC Staff should have confidence that it will be able to decontaminate the Bloomsburg site (located at 4150-A Old Berwick Road, Bloomsburg, Pennsylvania) because it (1) ". . . is prepared to continue to litigate this matter . . ." with its insurance carriers and file status reports with NRC every six months and (2) ". . . is prepared to establish a separate trust account into which it will deposit any funds obtained through settlement or through a judgment [in its insurance litigation], to be used to decontaminate the site."

By letter dated January 3, 1991, the NRC Staff issued a DFI to USR Industries and its related corporations that was similar to the December 11, 1990, DFI issued to Safety Light. In its February 7, 1991, reply to the DFI, which it submitted under oath, USR Industries reiterated its position that ". . . it is not now, and has never been, an NRC licensee or in possession of NRC regulated materials. . . ." Accordingly, USR Industries maintains that NRC lacks jurisdiction over it and it is not subject to the requirements in

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10 C.F.R. Part 30. Until determined otherwise, however, NRC jurisdiction over USR Industries was affirmed by the Atomic Safety and Licensing Appeal Board in the proceeding involving the March and August 1989 Orders. <sup>3/</sup> USR Industries provided requested financial information and, in response to the remaining questions in the DFI, referred the NRC Staff to Safety Light's January 11, 1991, reply to the December 11, 1990, DFI.

By letter dated March 8, 1991, the Licensees, through their attorney, requested an additional 30 days in which to submit the trust agreement referenced in the Licensees' replies to the DFIs. The request was granted on March 28, 1991.

In a subsequent letter dated March 22, 1991, the Licensees, through their attorney, argued that their "obligation under § 30.35 may be consolidated at \$750,000." The Licensees' rationale was that: (1) the requirements of § 30.35 are keyed to "each holder of a specific license," rather than to each license; (2) the -02 and -08 Licenses cover related operations; and (3) comments published in the Federal Register with the final decommissioning rule (54 Fed. Reg. 24019, 24036) support this view. In its April 2, 1991, reply, the Staff reiterated its position that the Licensees' obligation under 10 C.F.R. § 30.35 is \$1,500,000, and stated that:

regardless of our disagreement on the amount of required financial assurance, neither SLC nor USR Industries and its subsidiaries has provided certification of financial assurance in any amount.

. . . [D]ecommissioning funding plans (DFPs) must be submitted before we can renew License Nos. 37-00030-02 and 37-00030-08. In situations such as your clients' where more than one license identifies the same authorized location of use (here, the Bloomsburg site), the licensee may (but is not required to) submit a consolidated DFP. Submission of a consolidated DFP in this instance would alleviate the need to apportion costs of decommissioning the site between the two licenses and, as a site-specific document, would resolve the issue of the appropriate amount of funding needed for decommissioning the Bloomsburg site.

On April 8, 1991, August 1, 1991, and October 31, 1991, the Licensees, through their attorneys, submitted draft trust agreements to be used in satisfying the Licensees' obligations under both 10 C.F.R. § 30.35 and the August 1989 Order. In letters dated July 12, 1991, September 20, 1991, and December 23, 1991, the NRC Staff informed the Licensees of the deficiencies of those draft trust agreements. One of the identified deficiencies was that the amount of money the Licensees proposed to deposit into the draft trust was insufficient to satisfy either one of the NRC's requirements described above. All of the letters emphasized that compliance with 10 C.F.R. § 30.35 was required regardless of the status of compliance with the terms of the August 1989 Order. Nevertheless, as of the date of this letter, the Licensees have not submitted, as required by 10 C.F.R. § 30.35, certification(s) of financial assurance or the DFP(s).

<sup>3/</sup> Safety Light Corporation (Bloomsburg Site Decontamination), ALAB-931, 31 NRC 350 (1990), aff'g in part LPB-90-7, 31 NRC 116 (1990).

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The provisions of 10 C.F.R. § 30.35 are basic health and safety requirements that licensees must satisfy. The NRC Staff finds that the Licensees have not demonstrated compliance with the requirements of 10 C.F.R. § 30.35, and have provided no information to assure the Staff that they will comply with these regulatory requirements in the foreseeable future. Because the Licensees have not demonstrated compliance with the Commission's requirements as described above, pursuant to 10 C.F.R. § 2.103, the Licensees' applications to renew their -02 and -08 Licenses are hereby denied effective 50 days from the date of this letter.

Pursuant to 10 C.F.R. § 2.103, the Licensees may, within 20 days from the date of this letter, request a hearing. A request for a hearing shall be submitted to the Secretary, Docketing and Service Branch, U. S. Nuclear Regulatory Commission, Washington, DC 20555 with copies to the Director, Office of Nuclear Material Safety and Safeguards and the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, Region I, U.S. Nuclear Regulatory Commission, 475 Allendale Road, King of Prussia, Pennsylvania 19406. If a hearing is requested, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing is:

whether, in light of the Licensees' failure to demonstrate compliance with the requirements of 10 C.F.R. § 30.35, the Licensees' applications for renewal of their -02 and -08 Licenses should be granted.

If the Licensees do not request a hearing within 20 days of the date of this letter, the license denials become effective 50 days from the date of this letter. This period includes 30 days to allow the Licensees to complete production for the purpose of removing byproduct material from the production line. On the effective date, this letter constitutes a final determination of the Commission that the -02 and the -08 Licenses have expired, and the Licensees shall initiate procedures, pursuant to 10 C.F.R. § 30.36, to terminate their licenses in accordance with the requirements of the Order enclosed with this letter.

#### ORDER ESTABLISHING CRITERIA AND SCHEDULE FOR DECOMMISSIONING THE BLOOMSBURG SITE

Enclosed is an Order Establishing Criteria and Schedule for Decommissioning the Bloomsburg Site (Order). As a result of the enclosed Order and the denial of the applications to renew the -02 and -08 Licenses, the Licensees are jointly and severally subject to, and shall implement, the requirements of 10 C.F.R. § 30.36 with respect to the Bloomsburg site, which is the authorized place of use for both the -02 and the -08 Licenses. The requirements of the Order become effective in accordance with the terms specified in the Order. Please review the Order carefully and follow the instructions in the Order.

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Questions concerning this Order should be addressed to Mr. John Greeves at (301) 504-2467.

In accordance with 10 C.F.R. § 2.790, a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

Sincerely,



Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
Order Establishing  
Criteria and Schedule  
for Decommissioning the  
Bloomsburg Site

cc w/encl:  
Gerald Charnoff, Esq.  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
Safety Light Corporation	)	Docket Nos. 030-05980
Lime Ridge Industries, Inc.	)	030-05982
Metreal, Inc.	)	
4150-A Old Berwick Road	)	
Bloomsburg, Pennsylvania 17815	)	License Nos. 37-00030-02
United States Radium Corporation	)	37-00030-08
USR Industries, Inc.	)	
USR Chemical Products, Inc.	)	
USR Metals, Inc.	)	
USR Lighting, Inc.	)	
U.S. Natural Resources, Inc.	)	
550 Post Oak Boulevard	)	
Suite 550	)	
Houston, Texas 77027	)	

ORDER ESTABLISHING CRITERIA AND SCHEDULE  
FOR DECOMMISSIONING THE BLOOMSBURG SITE

I

United States Radium Corporation (U. S. Radium), Safety Light Corporation (Safety Light), Lime Ridge Industries, Inc., Metreal, Inc., USR Industries, Inc. (USR Industries), USR Chemical Products, Inc., USR Metals, Inc., USR Lighting, Inc., and U. S. Natural Resources, Inc. (the Licensees) 1/, as described below, hold several licenses issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 C.F.R. Part 30.

1/ U. S. Radium, Safety Light, and USR Industries and their subsidiaries and successors will be denoted as the Licensees throughout this Order. In a separate enforcement proceeding, the Atomic Safety and Licensing Appeal Board has affirmed the NRC's jurisdiction over USR Industries. Safety Light Corporation (Bloomsburg Site Decontamination), ALAB-931, 31 NRC 350 (1990), aff'g in part LPB-90-7, 31 NRC 116 (1990).

One of these licenses is License No. 37-00030-02 (-02 License), which the Atomic Energy Commission (AEC), the predecessor to the NRC, issued to U. S. Radium on June 20, 1956, and the NRC last amended on January 30, 1983, as corrected on March 7, 1983. The -02 License authorizes the possession of unspecified quantities of byproduct material in the form of contaminated facilities and equipment for purposes of decontamination, cleanup, and disposal of facilities and equipment previously used for research and development under the -02 License. The -02 License was due to expire by its terms on February 29, 1984. Safety Light submitted an application (dated January 27, 1984) to renew the -02 License.

On August 5, 1969, the AEC issued a second license, License No. 37-00030-08 (-08 License), to U. S. Radium. The -08 License authorizes the Licensees to possess and use various radioactive materials, but principally tritium (H-3), for research and development, manufacture of various products containing H-3, and the distribution of those products to persons specifically licensed to possess them. The -08 License was last amended on January 8, 1987, and was due to expire by its terms on December 31, 1987. Safety Light submitted an application (dated November 23, 1987) to renew the -08 License.

Pursuant to 10 C.F.R. § 2.109 and 10 C.F.R. § 30.37, the renewal applications kept both the -02 and the -08 Licenses in effect until the Commission made a final determination with respect to each renewal application.

II

As of July 27, 1990, the Licensees were required to comply with 10 C.F.R. § 30.35 of the Commission's regulations, which requires a licensee authorized to possess certain quantities of licensed materials having certain characteristics to submit a decommissioning funding plan (DFP) or certification of financial assurance for decommissioning in the amount prescribed in 10 C.F.R. § 30.35 in accordance with criteria set forth in that section. The NRC Staff has not received the Licensees' decommissioning funding plans (DFPs) or certifications of financial assurance, as required by 10 C.F.R. § 30.35(c). Therefore, the Licensees are not in compliance with this requirement with respect to both their -02 and -08 Licenses.

The provisions of 10 C.F.R. § 30.35 are basic health and safety requirements. The NRC Staff finds that the Licensees have not demonstrated compliance with the requirements of 10 C.F.R. § 30.35, and have provided no information to assure the Staff that they will comply with these regulatory requirements in the foreseeable future. Consequently, in a separate letter issued today pursuant to 10 C.F.R. § 2.103, the Licensees' applications to renew their -02 and -08 Licenses were denied.

Although the Bloomsburg site has not been characterized completely, the record indicates that not only are buildings and equipment contaminated with strontium-90 (Sr-90), cesium-137 (Cs-137), and other radionuclides, but outdoor areas (e.g., soil, groundwater) are also contaminated at levels that render the

site unsuitable for unrestricted release. Since 1982, Oak Ridge Associated Universities (ORAU) 2/, Chem-Nuclear Systems, Inc. (CNSI) 3/, and the Department of Energy's Radiological and Environmental Sciences Laboratory (RESL) 4/ have conducted limited studies, analyzed soil and water samples from various locations on the site, or both. Most of the samples exhibit radioactive contamination, and the levels of contamination of many samples are higher than those the NRC considers acceptable for release for unrestricted use 5/. ORAU measured the highest concentrations found in individual samples from the site; ORAU measured 15.4 picocuries Sr-90 per gram of soil, 631 picocuries Cs-137 per gram of soil, and 62,100 picocuries Sr-90 per liter of groundwater, which are approximately 3, 42, and 7760 times the appropriate release criteria, respectively 6/. Despite the limited number of samples and the limited nature of studies conducted to date, the ORAU, CNSI, and RESL data show that there is widespread contamination on site which must be remediated before the site can be released for unrestricted use.

2/ "Environmental Survey of the Safety Light Corporation, Bloomsburg, Pennsylvania," J. D. Berger, Oak Ridge Associated Universities, dated July 1982

3/ "Soil Core/Monitoring Well Installation Program and Hydrogeological/Radiological Evaluation of the Safety Light Facility, Bloomsburg, Pennsylvania," Chem-Nuclear Systems, Inc., dated October 11, 1990

4/ "August 1990 NRC Samples Analyzed by DOE Radiological and Environmental Sciences Laboratory," Attachment 4 to NRC Report on Inspection Conducted January 22-23, 1991 and transmitted by letter dated March 11, 1991

5/ See Attachments 2 and 3 to the Appendix to this Order

6/ Although the NRC does not have regulatory authority over radium-226 (Ra-226) in this case, ORAU also identified Ra-226 contamination on the Bloomsburg site. ORAU measured maximum concentrations of 9.1 picocuries per liter of groundwater and 672 picocuries per gram of soil, values that are, respectively, about 1.8 and 130 times those the NRC considers acceptable for release for unrestricted use.

Decommissioning of the site in accordance with the requirements of 10 C.F.R. § 30.36 and the criteria given in Attachments 2 and 3 to the Appendix to this Order will assure that the public health and safety is adequately protected from radiological hazards. However, if the Licensees fail to restrict access to the site, the radionuclide contaminants described above have the potential for posing an immediate hazard to public health and safety. Given that the Licensees' applications to renew their licenses have been denied and their commercial operations must therefore cease, there is no basis to conclude that the Licensees will indefinitely restrict access to the site. Accordingly, the Bloomsburg site must be decommissioned, as required below, within a definite time in order to prevent the radionuclide contaminants on the site from becoming a threat to public health and safety.

The letter denying the applications to renew the -02 and -08 Licenses specifies that, if the Licensees do not request a hearing within 20 days of the date of the denial letter, the license denials become effective 50 days from the date of that letter. The denial letter further states, in part, that, on the effective date of the denials, the letter constitutes a final determination of the Commission that the -02 and -08 Licenses have expired and that the Licensees must initiate procedures, pursuant to 10 C.F.R. § 30.36 and in accordance with this Order, to terminate their licenses. Until the determination is final, the Licenses continue to authorize possession and use of byproduct material at the Bloomsburg site.

The Bloomsburg site is the authorized place of use under both the -02 and -08 Licenses. No other licenses issued to the Licensees authorize possession and use of NRC-licensed material at that site. 7/ Thus, as a result of the denial of the applications to renew the -02 and -08 Licenses and as set forth above, the Licensees must decontaminate and decommission the Bloomsburg site. The public health, safety, and interest require that the Licensees decommission the Bloomsburg site such that it can be released for unrestricted use, using NRC's current criteria, and that decommissioning be completed expeditiously. Accordingly, I find that the public health, safety, and interest require that these requirements be made effective upon the effective date of the denial of the applications to renew the -02 and -08 Licenses.

7/ The AEC issued three other licenses to U. S. Radium, including License No. 37-00030-10G (-10G License), issued on May 16, 1962; License No. 37-00030-07E (-07E License), issued on April 16, 1965, and terminated on October 10, 1991; and License No. 37-00030-09G (-09G License), issued on January 13, 1966. The -09G and -10G Licenses authorize distribution of specified products containing H-3 to persons generally licensed pursuant to 10 C.F.R. § 31.5 and 31.7, respectively, of NRC's regulations or equivalent provisions of the regulations of any Agreement State. The -07E License authorized distribution of specified products containing H-3 to persons exempt from licensing, pursuant to 10 C.F.R. § 30.15 or equivalent provisions of the regulations of any Agreement State. These three licenses do not authorize possession or use of licensed material; and the -08 License authorizes the possession and use of the products specified in the -07E, -09G, and -10G Licenses. Neither the denial of the renewal applications for the -02 and -08 Licenses nor this Order directly affects these other three licenses.

III

In view of the foregoing and pursuant to sections 81, 161b, 161c, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, (42 USC §§ 2111, 2232 and 2236) and the Commission's regulations in 10 C.F.R. § 2.202 and 10 C.F.R. Part 30, IT IS HEREBY ORDERED, THAT:

With regard to the Bloomsburg site (described in Attachment 1 to this Order), the Licensees, jointly and severally, shall, upon effectiveness of the denials of the -02 and -08 license renewal applications, be subject to the requirements of 10 C.F.R. § 30.36 and shall satisfy those requirements in accordance with the criteria set forth in Attachments 2 and 3 to this Order and the schedule set forth in Attachment 4 to this Order.

The Director, Office of Nuclear Material Safety and Safeguards, or his designee, may relax or rescind the above conditions upon the Licensees' showing, in writing and under oath or affirmation, of good cause.

IV

The Licensees must, and any other person adversely affected by this Order may, submit an answer to the Order, and may request a hearing on this Order, within 20 days of the date of this Order. Unless the Licensees consent to this Order, the answer shall specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on

which the Licensees or other person adversely affected relies and the reasons why this Order should not have been issued. Any answer filed within 20 days of the date of this Order may include a request for a hearing. Any answer or request for a hearing shall be submitted to the Director, Office of Nuclear Material Safety and Safeguards, U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, Region I, U.S. Nuclear Regulatory Commission, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to the Licensees if the answer or hearing request is by a person other than the Licensees. If a person other than the Licensees requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and should address the criteria set forth in 10 C.F.R. § 2.714(d).

If the Licensees or a person whose interest is adversely affected requests a hearing, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such a hearing is whether this Order should be sustained.

V

In the absence of any request for hearing, this Order shall be final 20 days from the date of this Order without further order or proceedings.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Dated at Rockville, Maryland  
this 7th day of February 1992

Appendix w/Attachments

## APPENDIX

The Nuclear Regulatory Commission (NRC or Commission) Staff has denied the Licensees' applications to renew License Nos. 37-00030-02 and 37-00030-08. As required by 10 C.F.R. § 30.36, it is necessary for the Licensees to divest themselves of licensed material (e.g., by transfer to an authorized recipient); to decontaminate their equipment, facilities, and real property; and to submit a survey showing that their equipment, facilities, and real property are suitable for release for unrestricted use. A sketch showing pertinent features of the Licensees' authorized place of use, 4150-A Old Berwick Road, Bloomsburg, Pennsylvania (the Bloomsburg site), is found in Attachment 1, which is Figure 14 of Chem-Nuclear Systems, Inc.'s (CNSI's) report entitled, "Soil Coring/Monitoring Well Installation Program and Hydrogeological/Radiological Evaluation of the Safety Light Facility, Bloomsburg, Pennsylvania," dated October 11, 1990.

Current limits for unrestricted use are found in Attachments 2 and 3, "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source or Special Nuclear Material," dated July 1982, and "Current Guidelines on Acceptable Levels of Contamination in Soil and Groundwater on Property to be Released for Unrestricted Use," dated January 1992, respectively.

Attachment 4 is a schedule for compliance with the requirements in 10 C.F.R. § 30.36 and is intended to provide for prompt but orderly termination of the Licensees' licenses. The buildings referenced in the schedule are those shown in Attachment 1. Certain specific categories of materials requiring disposal are listed in the schedule and are those described at Tab 3(c) of Safety Light Corporation's January 11, 1991, letter to NRC.

Note that § III of the attached Order provides a mechanism whereby, upon the Licensees' showing of good cause, the conditions of the Order may be relaxed or rescinded.

### Attachments:

1. Figure 14 from CNSI Report  
dtd 10/11/90
2. Guidelines for Decontamination  
of Facilities . . .
3. Current Guidelines on Acceptable  
Levels of Contamination in Soil  
and Water . . .
4. Schedule for Compliance

**FIGURE 14.**  
**H-3 IN**  
**RAINWATER**  
**7-12-90**

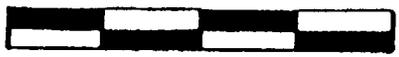


30

LOCATION OF RAINWATER  
 SAMPLE STATION SHOWING  
 CONCENTRATION OF H-3  
 IN pCi/L

ND (NOT DETECTED)  
 LESS THAN 207 pCi/L

0 50 100 150 200



**EXPLANATION**

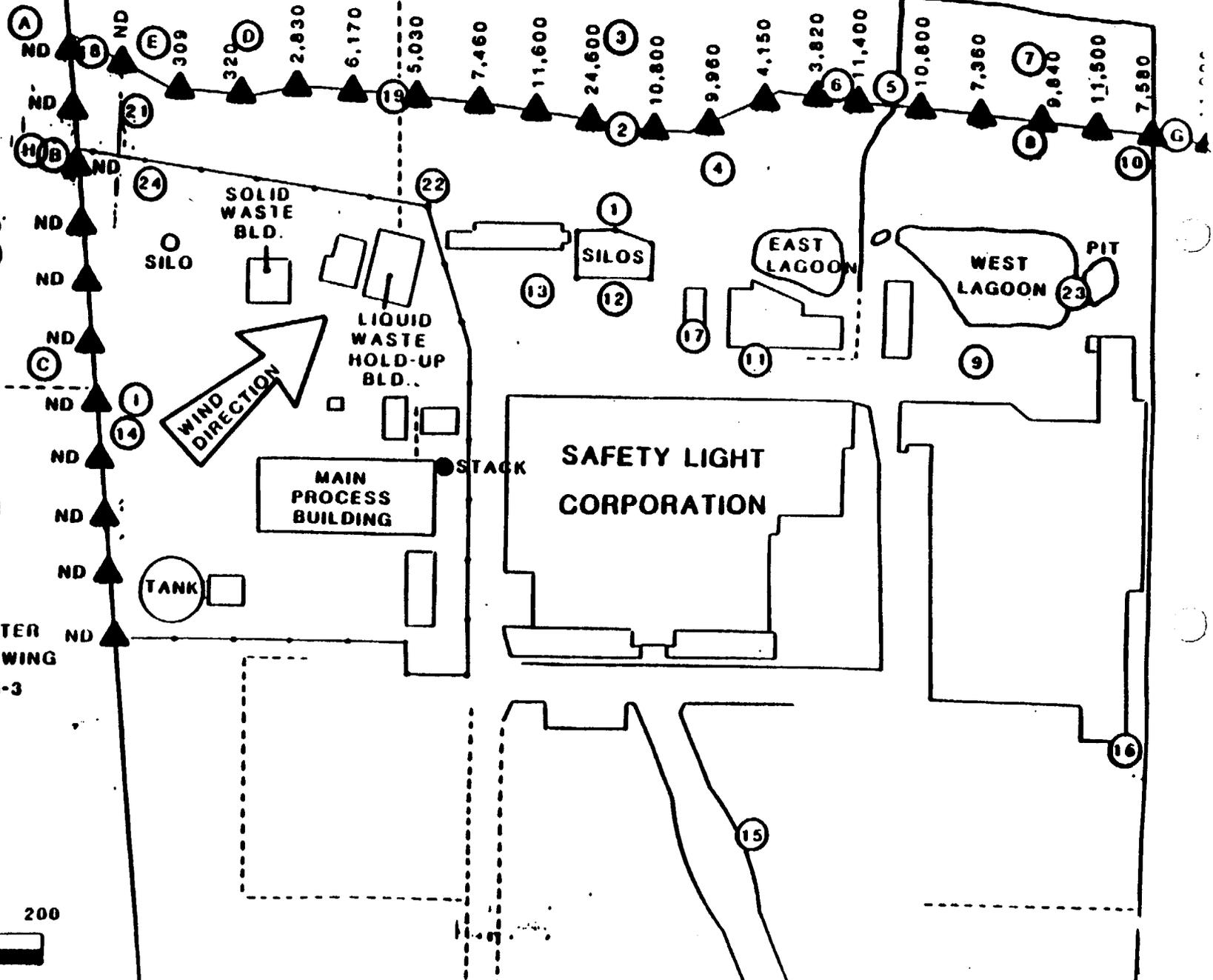
VANCE/WALTON  
 PROPERTY

VANCE  
 PROPERTY

ND  
 V/W  
 WELL



J SOUEHANNA RIVER



Attachment 1

**GUIDELINES FOR DECONTAMINATION OF FACILITIES AND EQUIPMENT  
PRIOR TO RELEASE FOR UNRESTRICTED USE  
OR TERMINATION OF LICENSES FOR BYPRODUCT, SOURCE,  
OR SPECIAL NUCLEAR MATERIAL**

**U. S. Nuclear Regulatory Commission  
Division of Fuel Cycle and Material Safety  
Washington, D.C. 20555**

**July 1982**

The instructions in this guide, in conjunction with Table 1, specify the radionuclides and radiation exposure rate limits which should be used in decontamination and survey of surfaces or premises and equipment prior to abandonment or release for unrestricted use. The limits in Table 1 do not apply to premises, equipment, or scrap containing induced radioactivity for which the radiological considerations pertinent to their use may be different. The release of such facilities or items from regulatory control is considered on a case-by-case basis.

1. The licensee shall make a reasonable effort to eliminate residual contamination.
2. Radioactivity on equipment or surfaces shall not be covered by paint, plating, or other covering material unless contamination levels, as determined by a survey and documented, are below the limits specified in Table 1 prior to the application of the covering. A reasonable effort must be made to minimize the contamination prior to use of any covering.
3. The radioactivity on the interior surfaces of pipes, drain lines, or ductwork shall be determined by making measurements at all traps, and other appropriate access points, provided that contamination at these locations is likely to be representative of contamination on the interior of the pipes, drain lines, or ductwork. Surfaces of premises, equipment, or scrap which are likely to be contaminated but are of such size, construction, or location as to make the surface inaccessible for purposes of measurement shall be presumed to be contaminated in excess of the limits.
4. Upon request, the Commission may authorize a licensee to relinquish possession or control of premises, equipment, or scrap having surfaces contaminated with materials in excess of the limits specified. This may include, but would not be limited to, special circumstances such as razing of buildings, transfer of premises to another organization continuing work with radioactive materials, or conversion of facilities to a long-term storage or standby status. Such requests must:
  - a. Provide detailed, specific information describing the premises, equipment or scrap, radioactive contaminants, and the nature, extent, and degree of residual surface contamination.
  - b. Provide a detailed health and safety analysis which reflects that the residual amounts of materials on surface areas, together with other considerations such as prospective use of the premises, equipment or scrap, are unlikely to result in an unreasonable risk to the health and safety of the public.

5. Prior to release of premises for unrestricted use, the licensee shall make a comprehensive radiation survey which establishes that contamination is within the limits specified in Table 1. A copy of the survey report shall be filed with the Division of Fuel Cycle and Material Safety, USHRC, Washington, D.C. 20555, and also the Administrator of the NRC Regional Office having jurisdiction. The report should be filed at least 30 days prior to the planned date of abandonment. The survey report shall:

- a. Identify the premises.
- b. Show that reasonable effort has been made to eliminate residual contamination.
- c. Describe the scope of the survey and general procedures followed.
- d. State the findings of the survey in units specified in the instruction.

Following review of the report, the NRC will consider visiting the facilities to confirm the survey.

## ACCEPTABLE SURFACE CONTAMINATION LEVELS

NUCLIDES <sup>a</sup>	AVERAGE <sup>b c f</sup>	MAXIMUM <sup>b d f</sup>	REMOVABLE <sup>b e f</sup>
nat. U-235, U-238, and associated decay products	5,000 dpm $\alpha$ /100 cm <sup>2</sup>	15,000 dpm $\alpha$ /100 cm <sup>2</sup>	1,000 dpm $\alpha$ /100 cm <sup>2</sup>
actinides, Ra-226, Ra-228, Th-230, Th-232, Pa-231, U-233, U-235, U-238, Pu-239, Pu-240, Pu-241, Pu-242, Pu-243, Pu-244, Am-241, Am-243, Cm-246, Cm-247, Cm-248, Cm-249, Cm-250, Cm-251, Cm-252, Cm-253, Cm-254, Cm-255, Cm-256, Cm-257, Cm-258, Cm-259, Cm-260, Cm-261, Cm-262, Cm-263, Cm-264, Cm-265, Cm-266, Cm-267, Cm-268, Cm-269, Cm-270, Cm-271, Cm-272, Cm-273, Cm-274, Cm-275, Cm-276, Cm-277, Cm-278, Cm-279, Cm-280, Cm-281, Cm-282, Cm-283, Cm-284, Cm-285, Cm-286, Cm-287, Cm-288, Cm-289, Cm-290, Cm-291, Cm-292, Cm-293, Cm-294, Cm-295, Cm-296, Cm-297, Cm-298, Cm-299, Cm-300, Cm-301, Cm-302, Cm-303, Cm-304, Cm-305, Cm-306, Cm-307, Cm-308, Cm-309, Cm-310, Cm-311, Cm-312, Cm-313, Cm-314, Cm-315, Cm-316, Cm-317, Cm-318, Cm-319, Cm-320, Cm-321, Cm-322, Cm-323, Cm-324, Cm-325, Cm-326, Cm-327, Cm-328, Cm-329, Cm-330, Cm-331, Cm-332, Cm-333, Cm-334, Cm-335, Cm-336, Cm-337, Cm-338, Cm-339, Cm-340, Cm-341, Cm-342, Cm-343, Cm-344, Cm-345, Cm-346, Cm-347, Cm-348, Cm-349, Cm-350, Cm-351, Cm-352, Cm-353, 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Cm-979, Cm-980, Cm-981, Cm-982, Cm-983, Cm-984, Cm-985, Cm-986, Cm-987, Cm-988, Cm-989, Cm-990, Cm-991, Cm-992, Cm-993, Cm-994, Cm-995, Cm-996, Cm-997, Cm-998, Cm-999, Cm-1000	100 dpm/100 cm <sup>2</sup>	300 dpm/100 cm <sup>2</sup>	20 dpm/100 cm <sup>2</sup>
nat. Th-232, Sr-90, U-233, Ra-224, U-232, I-126, I-131, I-133	1000 dpm/100 cm <sup>2</sup>	3000 dpm/100 cm <sup>2</sup>	200 dpm/100 cm <sup>2</sup>
$\alpha$ -gamma emitters (nuclides with decay modes other than alpha emission or spontaneous fission) except Sr-90 and those noted above.	5000 dpm $\beta\gamma$ /100 cm <sup>2</sup>	15,000 dpm $\beta\gamma$ /100 cm <sup>2</sup>	1000 dpm $\beta\gamma$ /100 cm <sup>2</sup>

Where surface contamination by both alpha- and beta-gamma-emitting nuclides exists, the limits established for alpha- and beta-gamma-emitting nuclides should apply independently.

As used in this table, dpm (disintegrations per minute) means the rate of emission by radioactive material as determined by correcting the counts per minute observed by an appropriate detector for background, efficiency, and geometric factors associated with the instrument.

Measurements of average contaminant should not be averaged over more than 1 square meter. For objects of less surface area, the average could be derived for each such object.

The maximum contamination level applies to an area of not more than 100 cm<sup>2</sup>.

The amount of removable radioactive material per 100 cm<sup>2</sup> of surface area should be determined by wiping that area with dry filter or soft absorbent paper, applying moderate pressure, and assessing the amount of radioactive material on the wipe with an appropriate instrument of known efficiency. When removable contamination on objects of less surface area is determined, the pertinent levels should be reduced proportionally and the entire surface should be wiped.

The average and maximum radiation levels associated with surface contamination resulting from beta-gamma emitters should not exceed 0.05 mrad/hr at 1 cm and 1.0 mrad/hr at 1 cm, respectively, measured through not more than 7 milligrams per square centimeter of material absorber.

January 1992

CURRENT GUIDELINES ON ACCEPTABLE LEVELS OF CONTAMINATION

IN SOIL AND GROUNDWATER ON PROPERTY TO BE RELEASED FOR UNRESTRICTED USE

Attachment 2 specifies current criteria for decontamination of buildings and equipment before they are released for unrestricted use, but does not address limits for soil and groundwater contamination. On a case-by-case basis, the Staff has developed or provided such criteria for release of property whose soil, groundwater, or both show evidence of radioactive contamination. These criteria are listed below:

RADIONUCLIDE	MAXIMUM SOIL CONCENTRATION* (in picocuries per gram)
Hydrogen-3	**
Cobalt-60	8
Strontium-90	5
Cesium-137	15
Plutonium-238, -239 (if found)	25
Americium-241 (if found)	30
Radium-226	5
Radium-228	5

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RADIONUCLIDE	MAXIMUM GROUNDWATER CONCENTRATION* (in picocuries per liter)***
Hydrogen-3	20,000
Cobalt-60	100
Strontium-90	8
Cesium-137	200
Gross alpha including radium-226	15
Radium-226, 228	5

\* If only one radionuclide is present, then the maximum concentration is the value listed in the table. However, if more than one radionuclide is present, determine for each radionuclide the ratio between the measured concentration (e.g., in site soil or groundwater) and the concentration listed in the appropriate table above for the specific radionuclide when not in combination. The sum of such ratios may not exceed one (i.e., unity).

\*\* There is no limit for tritium (H-3) in soil. The critical pathway is the leaching of H-3 in soil into the groundwater, which is used for drinking water. In this case, the appropriate criterion is 20,000 picocuries per liter. When H-3 use has ceased, the bulk of H-3 waste has been disposed of, and a decision must be made about release of the site for unrestricted use, the Licensees should estimate the total amount of H-3 remaining on the site.

\*\*\* U.S. Environmental Protection Agency, Office of Water Supply, "National Interim Primary Drinking Water Regulations," EPA-570/9-76-003 (1976).

SCHEDULE FOR COMPLIANCE

PROVISION	REGULATION	REQUIREMENTS FOR -02 LICENSE	REQUIREMENTS FOR -08 LICENSE
Termination of use	10 CFR 30.36(c)(1)(i)	Not applicable (In 1968 US Radium Corp. discontinued use for purposes other than "decontamination, cleanup, and disposal"; current -02 license only authorizes "decontamination, cleanup, and disposal ....")	On the effective date of the denial of the -08 License, use is limited to actions related to: (1) transfer of licensed material to authorized recipients (e.g., supplier, customers, waste broker, waste burial site) and (2) decommissioning. Receipt of licensed material is not authorized.
Decontamination	10 CFR 30.36(c)(1)(ii), (c)(2) and (c)(3)	<p>Within 120 days of the effective date of the denial of the -02 License, submit decommissioning plan and implement decommissioning in accordance with (IAW) NRC-approved plan.</p> <p>With respect to the Main Process Building, complete decommissioning within 1 year of the effective date of the denial of the -02 License.</p> <p>With respect to facilities and equipment in buildings other than the Main Process, Liquid Waste Hold-Up and Solid Waste Buildings, complete decommissioning within 2 years of the effective date of the denial of the -02 License.</p> <p>With respect to the Liquid Waste Hold-Up and Solid Waste Buildings and to the real property on both the Safety Light site and the parcel known as the "Vance-Walton" property, complete decommissioning within 3 years of the effective date of the denial of the -02 License</p>	<p>Within 120 days of the effective date of the denial of the -08 License, submit decommissioning plan and implement decommissioning IAW NRC-approved plan.</p> <p>With respect to the Main Process Building, complete decommissioning within 1 year of the effective date of the denial of the -08 License.</p> <p>With respect to the Liquid Waste Hold-Up and Solid Waste Buildings, complete decommissioning within 3 years of the effective date of the denial of the -08 License.</p>

Disposal

10 CFR 30.36(c)(1)(iii) Within 180 days of the effective date of the denial of the -02 License, dispose of krypton-85 self-luminous reference sources, "aircraft items" made of depleted uranium, two cans marked "Sr-90" and cans of depleted uranium metal turnings.

Dispose of: (1) inventory of tritium gas within 30 days of the effective date of the denial of the -08 License; (2) sealed sources, foils, targets, and markers within 60 days of the effective date of the denial of the -08 License Order; (3) returned aircraft signs within 180 days of the effective date of the denial of the -08 License; (4) "old reusable" signs and waste in Solid Waste Building within 1 year of the effective date of the denial of the -08 License.

Within 3 years of the effective date of the denial of the -02 License, dispose of all reference sources and all wastes, including those generated during site decommissioning.

Within 3 years of the effective date of the denial of the -08 License, dispose of all waste, including that generated in the decommissioning of the Liquid Waste Hold-Up and Solid Waste Storage Buildings.

NRC Form-314

10 CFR 30.36(c)(1)(iv) Within 3 years of the effective date of the denial of the -02 License, submit completed NRC Form-314.

Within 3 years of the effective date of the denial of the -08 License, submit completed NRC Form-314.

Survey

10 CFR 30.36(c)(1)(v) and 10 CFR 30.36(c)(3) Within 3 years of the effective date of the denial of the -02 License, submit survey demonstrating premises are suitable for unrestricted use.

Within 3 years of the effective date of the denial of the -08 License, submit survey demonstrating premises are suitable for unrestricted use.