UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 20 2005

Notification of Potential Liability ("General Notice")/ and Notification of Decision Not to Use Special Notice Procedures

37-00030-02
03005980

CERTIFIED MAIL: RETURN RECEIPT REQUESTED
Mr. Ralph McElvenny, Jr.
USR Chemicals, Inc.
550 Post Oak Boulevard, Suite 525
Houston, Texas 77027

'05 FEB -3 P1:14
RECEIVED
REGION 1

Re: **Safety Light Corporation, Columbia County, Pennsylvania**

Dear Mr. McElvenny:

This letter notifies you that USR Chemicals, Inc. may incur, and/or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Safety Light Corporation Site ("Site") located in Bloomsburg, Pennsylvania. This letter also notifies you of potential response activities at the Site, which you may be asked to perform or pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that USR Chemicals, Inc. may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

As you are aware, activities at the Site have varied over time and involved the use of a number of different radionuclides and other hazardous substances. In 1948, the United States Radium Corporation's radium operations were relocated from Brooklyn, New York to the Site. In 1980, the former U.S. Radium Corporation was restructured into six companies. As a result of this restructuring, the name of the former U.S. Radium was changed to Safety Light Corporation, and the following five corporations were created with assets from the former U.S. Radium

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NMSS/RGN1 MATERIALS-002

Corporation: USR Industries, Inc., USR Chemicals, Inc., USR Lighting, Inc., USR Metals, Inc., and U.S. Natural Resources, Inc. The Site has been investigated over the years and has documented radiological and chemical contamination in soil, groundwater, buildings, and sediments.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that USR Chemicals may be liable under Section 107(a) of CERCLA with respect to the Safety Light Corporation Site, as a successor corporation to the former owner of the Site.

SITE RESPONSE ACTIVITIES

To date, EPA has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- A Preliminary Assessment ("PA") and Site Investigation ("SI") in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.

- A Removal Action, conducted to reduce the immediate threat to the human health and the environment from the Silo waste.

At present, EPA is planning to begin the Remedial Investigation at the Site to identify the Site characteristics and to define the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

DECISION NOT TO USE SPECIAL NOTICE

This letter notifies you that EPA has decided not to use the settlement procedures set forth in Section 122 of CERCLA, 42 U.S.C. § 9622, for the completion of the Remedial Investigation/Feasibility Study at the above-referenced Site. This decision by EPA is based on Safety Light Corporation's January 28, 2004 letter to EPA regarding its inability to complete the activities required by the Administrative Order on Consent ("AOC") for a Removal Action, EPA Docket No. 03-2002-0196DC. EPA has determined that use of settlement procedures set forth in Section 122 of CERCLA would not be in the public interest at this time, would not facilitate an agreement between EPA and USR Chemicals, and would not expedite the response actions required to complete the RI/FS for the Safety Light Corporation Site.

Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), directs EPA to employ the settlement procedures outlined therein "[w]henever practicable and in the public interest" to "facilitate agreements ... that are in the public interest and consistent with the National Contingency Plan in order to expedite effective remedial actions and minimize litigation." Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), prescribes a discretionary "special notice" moratorium for on-site activities during which EPA may negotiate settlements with responsible parties if the Agency determines that "a period of negotiation ... would facilitate an agreement with potentially responsible parties for taking response action ... and would expedite remedial action." Finally, Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), requires that EPA notify potentially responsible parties ("PRPs") in writing if the Agency determines that the settlement procedures outlined in the section will not be used.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. **It does not require any specific action on your part at this time.**

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedy is selected by EPA. A copy of the record is available on the internet at www.epa.gov/arweb, and another copy will be located at the EPA Regional office in Philadelphia.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be, and cannot be relied upon, as a final EPA position on any matter set forth herein.

If you have any questions regarding the foregoing, please contact Linda Dietz, Remedial Project Manager, at 215-814-3195. Legal questions can be referred to Gail Wilson, at 215-814-2493.

Sincerely,

Peter W. Schaul

Peter W. Schaul
Chief, Remedial Branch
Hazardous Site Cleanup Division

cc: Larry Newcomber (PADEP, Hazardous Sites Cleanup)
Gail Wilson (ORC)
Linda Dietz (EPA RPM)
Harry Steinmetz (EPA)
Marie Miller (NRC)
Jeff Whitehead (PADEP, Radiation Protection)

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03005980

CERTIFIED MAIL: RETURN RECEIPT REQUESTED
Mr. C. Richter White and John T. Miller, Partners
Safety Light Corporation
4150-A Old Berwick Road
Bloomsburg, PA 17815

Re: **Safety Light Corporation, Columbia County, Pennsylvania**

Dear Mr. White and Mr. Miller:

This letter notifies you that you/your company may incur, and/or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Safety Light Corporation Site ("Site") located in Bloomsburg, Pennsylvania. This letter also notifies you of potential response activities at the Site, which you may be asked to perform or pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that Safety Light Corporation may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

As you are aware, activities at the Site have varied over time and involved the use of a number of different radionuclides and other hazardous substances. In 1948, the United States Radium Corporation's radium operations were relocated from Brooklyn, New York to the Site. In 1980, the former U.S. Radium Corporation was restructured into six companies. As a result of this restructuring, the name of the former U.S. Radium was changed to Safety Light Corporation, and the following five corporations were created with assets from the former U.S. Radium

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Corporation: USR Industries, Inc., USR Chemicals, Inc., USR Lighting, Inc., USR Metals, Inc., and U.S. Natural Resources, Inc. The Site has been investigated over the years and has documented radiological and chemical contamination in soil, groundwater, buildings, and sediments.

EXPLANATION OF POTENTIAL LIABILITY

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Based on the information collected, EPA believes that Safety Light Corporation may be liable under Section 107(a) of CERCLA with respect to the Safety Light Corporation Site, as a current owner and operator of the Site.

SITE RESPONSE ACTIVITIES

To date, EPA has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- A Preliminary Assessment ("PA") and Site Investigation ("SI") in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.

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At present, EPA is planning to begin the Remedial Investigation at the Site to identify the Site characteristics and to define the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

DECISION NOT TO USE SPECIAL NOTICE

This letter notifies you that EPA has decided not to use the settlement procedures set forth in Section 122 of CERCLA, 42 U.S.C. § 9622, for the completion of the Remedial Investigation/Feasibility Study at the above-referenced Site. This decision by EPA is based on Safety Light Corporation's January 28, 2004 letter to EPA regarding their its inability to complete the activities required by the Administrative Order on Consent ("AOC") for a Removal Action, EPA Docket No. 03-2002-0196DC. EPA has determined that use of settlement procedures set forth in Section 122 of CERCLA would not be in the public interest at this time, would not facilitate an agreement between EPA and Safety Light Corporation, and would not expedite the response actions required to complete the RI/FS for the Safety Light Corporation Site.

Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), directs EPA to employ the settlement procedures outlined therein "[w]henever practicable and in the public interest" to "facilitate agreements ... that are in the public interest and consistent with the National Contingency Plan in order to expedite effective remedial actions and minimize litigation." Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), prescribes a discretionary "special notice" moratorium for on-site activities during which EPA may negotiate settlements with responsible parties if the Agency determines that "a period of negotiation ... would facilitate an agreement with potentially responsible parties for taking response action ... and would expedite remedial action." Finally, Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), requires that EPA notify potentially responsible parties ("PRPs") in writing if the Agency determines that the settlement procedures outlined in the section will not be used.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. **It does not require any specific action on your part at this time.**

ADMINISTRATIVE RECORD

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If you have any questions regarding the foregoing, please contact Linda Dietz, Remedial Project Manager, at 215-814-3195. Legal questions can be referred to Gail Wilson, at 215-814-2493.

Sincerely,

Peter W. Schaul

Peter W. Schaul
Chief, Remedial Branch
Hazardous Site Cleanup Division

cc: Larry Newcomber (PADEP, Hazardous Sites Cleanup)
Gail Wilson (ORC)
Linda Dietz (EPA RPM)
Harry Steinmetz (EPA)
Marie Miller (NRC)
Jeff Whitehead (PADEP, Radiation Protection)

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03005980

CERTIFIED MAIL: RETURN RECEIPT REQUESTED
Mr. C. Richter White, CEO
Metreal Corporation
4150-A Old Berwick Road
Bloomsburg, PA 17815

Re: **Safety Light Corporation, Columbia County, Pennsylvania**

Dear Mr. White:

This letter notifies you that Metreal Corporation may incur, and/or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Safety Light Corporation Site ("Site") located in Bloomsburg, Pennsylvania. This letter also notifies you of potential response activities at the Site, which you may be asked to perform or pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that Metreal Corporation may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

As you are aware, activities at the Site have varied over time and involved the use of a number of different radionuclides and other hazardous substances. In 1948, the United States Radium Corporation's radium operations were relocated from Brooklyn, New York to the Site.

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In 1980, the former U.S. Radium Corporation was restructured into six companies. As a result of this restructuring, the name of the former U.S. Radium was changed to Safety Light Corporation, and the following five corporations were created with assets from the former U.S. Radium Corporation: USR Industries, Inc., USR Chemicals, Inc., USR Lighting, Inc., USR Metals, Inc., and U.S. Natural Resources, Inc. The Site has been investigated over the years and has documented radiological and chemical contamination in soil, groundwater, buildings, and sediments.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that Metreal Corporation may be liable under Section 107(a) of CERCLA with respect to the Safety Light Corporation Site, as a current owner of the Site.

SITE RESPONSE ACTIVITIES

To date, EPA has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- A Preliminary Assessment ("PA") and Site Investigation ("SI") in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.

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At present, EPA is planning to begin the Remedial Investigation at the Site to identify the Site characteristics and to define the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

DECISION NOT TO USE SPECIAL NOTICE

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Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), directs EPA to employ the settlement procedures outlined therein "[w]henever practicable and in the public interest" to "facilitate agreements ... that are in the public interest and consistent with the National Contingency Plan in order to expedite effective remedial actions and minimize litigation." Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), prescribes a discretionary "special notice" moratorium for on-site activities during which EPA may negotiate settlements with responsible parties if the Agency determines that "a period of negotiation ... would facilitate an agreement with potentially responsible parties for taking response action ... and would expedite remedial action." Finally, Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), requires that EPA notify potentially responsible parties ("PRPs") in writing if the Agency determines that the settlement procedures outlined in the section will not be used.

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ADMINISTRATIVE RECORD

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Sincerely,

Peter W. Schaul
Chief, Remedial Branch
Hazardous Site Cleanup Division

cc: Larry Newcomber (PADEP, Hazardous Sites Cleanup)
Gail Wilson (ORC)
Linda Dietz (EPA RPM)
Harry Steinmetz (EPA)
Marie Miller (NRC)
Jeff Whitehead (PADEP, Radiation Protection)

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03005980

CERTIFIED MAIL: RETURN RECEIPT REQUESTED
Mr. Ralph McElvenny, Jr.
USR Metals, Inc.
550 Post Oak Boulevard, Suite 525
Houston, Texas 77027

Re: **Safety Light Corporation, Columbia County, Pennsylvania**

Dear Mr. McElvenny:

This letter notifies you that USR Metals, Inc. may incur, and/or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Safety Light Corporation Site ("Site") located in Bloomsburg, Pennsylvania. This letter also notifies you of potential response activities at the Site, which you may be asked to perform or pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

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As you are aware, activities at the Site have varied over time and involved the use of a number of different radionuclides and other hazardous substances. In 1948, the United States Radium Corporation's radium operations were relocated form Brooklyn, New York to the Site. In 1980, the former U.S. Radium Corporation was restructured into six companies. As a result of this restructuring, the name of the former U.S. Radium was changed to Safety Light Corporation, and the following five corporations were created with assets from the former U.S. Radium

Corporation: USR Industries, Inc., USR Chemicals, Inc., USR Lighting, Inc., USR Metals, Inc., and U.S. Natural Resources, Inc. The Site has been investigated over the years and has documented radiological and chemical contamination in soil, groundwater, buildings, and sediments.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that USR Metals, Inc. may be liable under Section 107(a) of CERCLA with respect to the Safety Light Corporation Site, as a successor corporation to the former owner of the Site as well as a current operator of the Site.

SITE RESPONSE ACTIVITIES

To date, EPA has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- A Preliminary Assessment ("PA") and Site Investigation ("SI") in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.

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Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), directs EPA to employ the settlement procedures outlined therein "[w]henever practicable and in the public interest" to "facilitate agreements ... that are in the public interest and consistent with the National Contingency Plan in order to expedite effective remedial actions and minimize litigation." Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), prescribes a discretionary "special notice" moratorium for on-site activities during which EPA may negotiate settlements with responsible parties if the Agency determines that "a period of negotiation ... would facilitate an agreement with potentially responsible parties for taking response action ... and would expedite remedial action." Finally, Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), requires that EPA notify potentially responsible parties ("PRPs") in writing if the Agency determines that the settlement procedures outlined in the section will not be used.

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Sincerely,

Peter W. Schaul
Chief, Remedial Branch
Hazardous Site Cleanup Division

cc: Larry Newcomber (PADEP, Hazardous Sites Cleanup)
Gail Wilson (ORC)
Linda Dietz (EPA RPM)
Harry Steinmetz (EPA)
Marie Miller (NRC)
Jeff Whitehead (PADEP, Radiation Protection)

Attachment 1

PRPs receiving Notice of Potential Liability for the Safety Light Corporation Site

USR Industries, Inc.
USR Chemicals Products, Inc.
USR Lighting Products, Inc.
USR Metals, Inc.
U.S. Natural Resources, Inc.
Metreal Corporation

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CERTIFIED MAIL: RETURN RECEIPT REQUESTED
Mr. Ralph McElvenny, Jr.
USR Lighting, Inc.
550 Post Oak Boulevard, Suite 525
Houston, Texas 77027

Re: **Safety Light Corporation, Columbia County, Pennsylvania**

Dear Mr. McElvenny:

This letter notifies you that USR Lighting Products, Inc. may incur, and/or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Safety Light Corporation Site ("Site") located in Bloomsburg, Pennsylvania. This letter also notifies you of potential response activities at the Site, which you may be asked to perform or pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

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As you are aware, activities at the Site have varied over time and involved the use of a number of different radionuclides and other hazardous substances. In 1948, the United States Radium Corporation's radium operations were relocated from Brooklyn, New York to the Site.

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- A Preliminary Assessment ("PA") and Site Investigation ("SI") in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.

- A Removal Action, conducted to reduce the immediate threat to the human health and the environment from the Silo waste.

At present, EPA is planning to begin the Remedial Investigation at the Site to identify the Site characteristics and to define the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

DECISION NOT TO USE SPECIAL NOTICE

This letter notifies you that EPA has decided not to use the settlement procedures set forth in Section 122 of CERCLA, 42 U.S.C. § 9622, for the completion of the Remedial Investigation/Feasibility Study at the above-referenced Site. This decision by EPA is based on Safety Light Corporation's January 28, 2004 letter to EPA regarding its inability to complete the activities required by the Administrative Order on Consent ("AOC") for a Removal Action, EPA Docket No. 03-2002-0196DC. EPA has determined that use of settlement procedures set forth in Section 122 of CERCLA would not be in the public interest at this time, would not facilitate an agreement between EPA and USR Lighting, and would not expedite the response actions required to complete the RI/FS for the Safety Light Corporation Site.

Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), directs EPA to employ the settlement procedures outlined therein "[w]henever practicable and in the public interest" to "facilitate agreements ... that are in the public interest and consistent with the National Contingency Plan in order to expedite effective remedial actions and minimize litigation." Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), prescribes a discretionary "special notice" moratorium for on-site activities during which EPA may negotiate settlements with responsible parties if the Agency determines that "a period of negotiation ... would facilitate an agreement with potentially responsible parties for taking response action ... and would expedite remedial action." Finally, Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), requires that EPA notify potentially responsible parties ("PRPs") in writing if the Agency determines that the settlement procedures outlined in the section will not be used.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. **It does not require any specific action on your part at this time.**

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedy is selected by EPA. A copy of the record is available on the internet at www.epa.gov/arweb, and another copy will be located at the EPA Regional office in Philadelphia.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be, and cannot be relied upon, as a final EPA position on any matter set forth herein.

If you have any questions regarding the foregoing, please contact Linda Dietz, Remedial Project Manager, at 215-814-3195. Legal questions can be referred to Gail Wilson, at 215-814-2493.

Sincerely,

Peter W. Schaul

Peter W. Schaul
Chief, Remedial Branch
Hazardous Site Cleanup Division

cc: Larry Newcomber (PADEP, Hazardous Sites Cleanup)
Gail Wilson (ORC)
Linda Dietz (EPA RPM)
Harry Steinmetz (EPA)
Marie Miller (NRC)
Jeff Whitehead (PADEP, Radiation Protection)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 20 2005

Notification of Potential Liability ("General Notice")/ and Notification of Decision Not to Use Special Notice Procedures

37-00030-02
0200598

CERTIFIED MAIL: RETURN RECEIPT REQUESTED
Mr. Ralph McElvenny, Jr.
U.S. Natural Resources, Inc.
550 Post Oak Boulevard, Suite 525
Houston, Texas 77027

Re: **Safety Light Corporation, Columbia County, Pennsylvania**

Dear Mr. McElvenny:

This letter notifies you that U.S. Natural Resources, Inc. may incur, and/or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Safety Light Corporation Site ("Site") located in Bloomsburg, Pennsylvania. This letter also notifies you of potential response activities at the Site, which you may be asked to perform or pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that U.S. Natural Resources, Inc. may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

As you are aware, activities at the Site have varied over time and involved the use of a number of different radionuclides and other hazardous substances. In 1948, the United States Radium Corporation's radium operations were relocated from Brooklyn, New York to the Site. In 1980, the former U.S. Radium Corporation was restructured into six companies. As a result of this restructuring, the name of the former U.S. Radium was changed to Safety Light Corporation,

and the following five corporations were created with assets from the former U.S. Radium Corporation: USR Industries, Inc., USR Chemicals, Inc., USR Lighting, Inc., USR Metals, Inc., and U.S. Natural Resources, Inc. The Site has been investigated over the years and has documented radiological and chemical contamination in soil, groundwater, buildings, and sediments.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that U.S. Natural Resources Inc. may be liable under Section 107(a) of CERCLA with respect to the Safety Light Corporation Site, as a successor corporation to the former owner of the Site.

SITE RESPONSE ACTIVITIES

To date, EPA has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- A Preliminary Assessment ("PA") and Site Investigation ("SI") in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.

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At present, EPA is planning to begin the Remedial Investigation at the Site to identify the Site characteristics and to define the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

DECISION NOT TO USE SPECIAL NOTICE

This letter notifies you that EPA has decided not to use the settlement procedures set forth in Section 122 of CERCLA, 42 U.S.C. § 9622, for the completion of the Remedial Investigation/Feasibility Study at the above-referenced Site. This decision by EPA is based on Safety Light Corporation's January 28, 2004 letter to EPA regarding its inability to complete the activities required by the Administrative Order on Consent ("AOC") for a Removal Action, EPA Docket No. 03-2002-0196DC. EPA has determined that use of settlement procedures set forth in Section 122 of CERCLA would not be in the public interest at this time, would not facilitate an agreement between EPA and U.S. Natural Resources Inc. and would not expedite the response actions required to complete the RI/FS for the Safety Light Corporation Site.

Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), directs EPA to employ the settlement procedures outlined therein "[w]henever practicable and in the public interest" to "facilitate agreements ... that are in the public interest and consistent with the National Contingency Plan in order to expedite effective remedial actions and minimize litigation." Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), prescribes a discretionary "special notice" moratorium for on-site activities during which EPA may negotiate settlements with responsible parties if the Agency determines that "a period of negotiation ... would facilitate an agreement with potentially responsible parties for taking response action ... and would expedite remedial action." Finally, Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), requires that EPA notify potentially responsible parties ("PRPs") in writing if the Agency determines that the settlement procedures outlined in the section will not be used.

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Sincerely,

Peter W. Schaul
Chief, Remedial Branch
Hazardous Site Cleanup Division

cc: Larry Newcomber (PADEP, Hazardous Sites Cleanup)
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 2 0 2005

Notification of Potential Liability ("General Notice")/ and Notification of Decision Not to Use Special Notice Procedures

37-0030-02
03005940

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Mr. Ralph McElvenny, Jr.
USR Industries
550 Post Oak Boulevard, Suite 525
Houston, Texas 77027

Re: **Safety Light Corporation, Columbia County, Pennsylvania**

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this restructuring, the name of the former U.S. Radium was changed to Safety Light Corporation, and the following five corporations were created with assets from the former U.S. Radium Corporation: USR Industries, Inc., USR Chemicals, Inc., USR Lighting, Inc., USR Metals, Inc., and U.S. Natural Resources, Inc. The Site has been investigated over the years and has documented radiological and chemical contamination in soil, groundwater, buildings, and sediments.

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Jeff Whitehead (PADEP, Radiation Protection)

Attachment 1

PRPs receiving Notice of Potential Liability for the Safety Light Corporation Site

USR Industries, Inc.
USR Chemicals Products, Inc.
USR Lighting Products, Inc.
USR Metals, Inc.
U.S. Natural Resources, Inc.
Metreal Corporation