



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

August 27, 2008

Docket No. 03033087

License Nos. 45-11496-02

Control Nos. 141645 (financial assurance)
142333 (renewal)
142234 (change of ownership amendment)

Barry Brubaker
President and Owner
Nydree Flooring, LLC (formerly Gammapar, LLC)
1191 Venture Drive
Forest Commercial Center
P.O. Box 289
Forest, VA 24551

SUBJECT: NYDREE FLOORING, LLC (FORMERLY GAMMAPAR, LLC), REQUEST FOR
ADDITIONAL INFORMATION CONCERNING FINANCIAL ASSURANCE
DOCUMENTS, COMPANY NAME CHANGE, AND RENEWAL, CONTROL NOS.
141645, 142333 AND 142234

Dear Mr. Brubaker:

This is in reference to your letter dated March 27, 2008 and your bank's letter dated April 1, 2008 regarding the new company name (possible change of ownership) and financial assurance for decommissioning for Nuclear Regulatory Commission License No. 45-11496-02. This also refers to your undated license renewal application that we received on April 16, 2008 to renew your license as-is with no changes. In order to continue our review, we need the following additional information:

1. The mailing address listed on your letter dated March 27, 2008 states:

1191 Venture Drive
Forest, VA 24551-2273

The mailing address currently listed in Item 2 of License No. 45-11496-02 states:

Venture Drive
Forest Commercial Center
P. O. Box 289
Forest, Virginia 24551

Per my telephone conversation with your Radiation Safety Officer on August 27, 2008, you would like us to use the 1191 Venture Drive address listed above. Please confirm.

2. It appears from your letter that a possible change of ownership (control) has occurred. Licensees must provide full information and obtain NRC's *prior written consent* before transferring control of the license. Control of a license is in the hands of the person or persons who are empowered to decide when and how that license will be used. That control is to be found in the person or persons who, because of ownership or authority explicitly delegated by the owners, possess the power to determine corporate policy and thus the direction of the activities under the license. A transferee is an entity that proposes to purchase or otherwise gain control of an NRC-licensed operation. A transferor is an NRC licensee selling or otherwise giving up control of a licensed operation. Your letter dated March 27, 2008, provided most of the required information except the following:
- a. Provide a complete description of the transaction (transfer of stocks or assets, or merger).
 - b. Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee or to NRC, as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.

This information can also be found in Appendix D of NUREG-1556, Volume 6: "Consolidated Guidance About Materials Licensees: Program-Specific Guidance About 10 CFR Part 36 Irradiator Licensees."

3. If you retain your current total combined possession limit of Cobalt-60:

10 CFR 30.35(a)(2) requires that licensees authorized to possess and use sealed sources with a half-life greater than 120 days and in quantities exceeding 10^{12} times the applicable quantities set forth in appendix B to part 30 (or when a combination of isotopes is involved if R, as defined in §30.35(a)(1), divided by 10^{12} is greater than 1), shall submit a decommissioning funding plan (DFP) as described in paragraph (e) of this section.

10 CFR 30.35(e) states: Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. Cost estimates must be adjusted at intervals not to exceed 3 years. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.

10 CFR 30.35(f) describes multiple methods to provide a complete financial assurance mechanism.

If you decide to lower your possession limit:

10 CFR 30.35(b) requires, each applicant for a specific license authorizing possession and use of byproduct material of half-life greater than 120 days and in quantities specified in paragraph (d) of this section shall either--

(1) Submit a decommissioning funding plan as described in paragraph (e) of this section; or

(2) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by paragraph (d) of this section using one of the methods described in paragraph (f) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section must be submitted to NRC before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.

Volume 3 of NUREG-1757, "Consolidated NMSS Decommissioning Guidance" also provides additional guidance to assist you with your financial assurance submission. If the DFP cost estimate is greater than your current certification of financial assurance, you must submit a revised financial assurance instrument in the prescribed amount of the cost estimate. Please follow closely the recommended wording for financial assurance mechanisms found Appendix A to Volume 3 of NUREG-1757.

4. Please provide a Certificate of Financial Assurance (see Appendix A.2 of NUREG-1757, Volume 3).
5. All financial assurance documents must be originals with signatures. Please do not send in copies of your financial assurance documents.
6. In regards to your license renewal request:
 - A. Item 8 of your license states: "Neutron Products, Inc. sources encapsulated as described in letters dated July 3, 1968, February 5, 1981, and February 6, 1981 (NPI A210065)." Please provide copies of these three letters.
 - B. Since you requested to renew your license as-is with no changes, we have reviewed the tie-down documents listed in Condition 23 of your current license (Amendment 10). These documents go as far back as 1997. As such, we will be retaining only documents E through I. Please confirm that the remaining documents can be removed since they have been superseded.

B. Brubaker 4
Nydree Flooring, LLC (formerly Gammapar, LLC)

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 **Regulations, Guidance, and Communications**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

Please provide all information (except for DFP which may take longer to complete) by **September 22, 2008**. 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 Nos. 141645, 142333, and 142234. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5251.

Sincerely,

Original signed by Kathy Dolce Modes

Kathy Dolce Modes
Health Physicist
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

cc:
A. E. Witt, Radiation Safety Officer

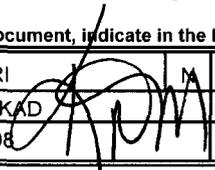
B. Brubaker 5
Nydree Flooring, LLC (formerly Gammapar, LLC)

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SUNSI Review Complete: KModes

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