



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BOULEVARD, SUITE 400
ARLINGTON, TEXAS 76011-4125

March 26, 2009

Smurfit-Stone Container Enterprises, Inc.
ATTN: Thomas Evans
Radiation Safety Officer
P.O. Box 4707
Missoula, Montana 59806-4707

SUBJECT: POSSIBLE BANKRUPTCY NOTIFICATION INFORMATION

Dear Mr. Evans:

It has come to the attention of the U.S. Nuclear Regulatory Commission (NRC) that Smurfit-Stone Container Enterprises, Inc., possessing NRC License No. 25-26842-01, may have filed for bankruptcy. Please note that there are NRC requirements for licensees that are the subject of a bankruptcy filing, to immediately notify, in writing, the appropriate NRC Regional Administrator of this action.

NRC requirements for licensees that are the subject of a bankruptcy filing can be found in 10 CFR (U.S. Code of Federal Regulations) 30.34(h). The purpose of the regulations is to ensure that public health and safety is adequately protected and that radioactive material is properly controlled. 10 CFR Part 30 can be found at: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part030/>.

Specifically, any licensee who is involved in a bankruptcy proceeding, either voluntary or involuntarily, under any chapter of the bankruptcy law must notify the appropriate Regional Administration in writing immediately after the filing.

The requirements in these regulations apply to a bankruptcy proceeding, for or against the licensee itself; an entity controlling the licensee; an entity listing the licensee as a property of the estate; or an affiliate of the licensee.

The regulations state that the notification must include the identity of the bankruptcy court in which the petition was filed and the date the petition was filed.

Because the regulations cited above require each licensee to provide the required notification, we request your assistance in providing to us the names, addresses and telephone numbers of any other entities who may be affected by the bankruptcy (i.e., other daughter companies of a bankrupt parent company, where the daughter has an NRC or Agreement State license).

Please note that even though a licensee may be involved in bankruptcy proceedings, NRC regulations and license conditions remain in full effect. Also, NRC licenses remain in full effect even beyond their stated expiration date, until terminated in writing by NRC. If the licensee no longer exists as an entity, the person with legal control of contaminated equipment or property transferred by the licensee is obligated to control all licensed materials and to decontaminate and decommission any facilities or equipment, and to comply with applicable NRC requirements.

If you, as RSO, leave your employment, you must first properly secure, dispose of, or transfer all licensed material, and you must inform NRC of this situation. If you need to close a building, you must first properly secure, dispose of, or transfer all licensed material that was in the building.

You may not (1) transfer control of your license without prior written NRC approval, or (2) transfer licensed material except as authorized by NRC regulations. You should ensure that your attorney and any trustee involved in the bankruptcy proceedings are aware of these obligations. Any person who takes control of licensed activities or possession of the licensed material including any contaminated equipment or property transferred by the licensee must first obtain an NRC license.

We will be calling you soon to verify the current status of your situation. Additionally, inspections of your activities will continue to occur. We will continue to monitor your activities to ensure that either the facility is decommissioned and licensed material properly disposed of, or the company is able to exit bankruptcy and operate normally.

You may contact Roberto J. Torres at 817-860-8189 if you have any questions or information concerning the status of your license or activities.

Sincerely,

/RA/

Jack E. Whitten, Chief
Nuclear Materials Safety Branch B

Docket: 030-29369
License: 25-26842-01

Attachment: Information to Notify NRC of Bankruptcy

Attachment

INFORMATION TO NOTIFY NRC OF BANKRUPTCY

1. Name of bankruptcy court where petition was filed.

2. Date bankruptcy petition was filed.

Your assistance is requested in identifying any other entities that may have NRC or Agreement State licenses that may be affected by the bankruptcy.

Company Name

Address

Telephone Number

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Sincerely,

Jack E. Whitten, Chief
Nuclear Materials Safety Branch B

Docket: 030-29369
License: 25-26842-01

Attachment: Information to Notify NRC of Bankruptcy

SUNSI Review Completed: Yes ADAMS: ☒ Yes Initials: RJT
☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

DNMS:NMSBB	DNMS:NMSBB			
RJTorres	JWhitten			
/RA/	/RA/			
03/26/09	03/26/09			

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax