



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

OCT 11 1989

United States Radium Corporation
USR Industries, Inc.
USR Lighting, Inc. 37-00030-02
USR Chemicals, Inc.
USR Metals, Inc.
USR Natural Resources, Inc.
ATTN: Ralph T. McElvenny, Chairman
550 Post Oak Blvd., Suite 545
Houston, Texas 77027

Dear Mr. McElvenny:

This responds to your letter of September 22, 1989, in which you renewed your request for an extension of time in which to file the trust agreement and otherwise comply with the Order issued August 21, 1989 by the NRC. Your latest request sought an extension of 30 days, the same amount of time that was granted to Safety Light Corporation. We have also received Mr. Charnoff's and Mr. Shapar's letter of October 5, 1989 advising of their representation and seeking additional time.

These letters describe the various problems that you face. However, the issues that you raise are similar to those raised in your letter of September 20, 1989. Unlike Safety Light Corporation, USR Industries has not made any specific substantive corporate commitments as to funding or as to how or when the Order will be satisfied. For example, Safety Light provided specific information describing the steps it is taking to finalize a trust agreement and made specific firm commitments to establish a trust account, make an initial deposit of 50% of the prior month's profits, and thereafter to commit 50% of its monthly profits to the trust. While these commitments, when satisfied, will not necessarily constitute full compliance with the August 21, 1989 Order, they do constitute good cause for Safety Light's requested extension. Because you have not made satisfactory firm commitments, you have not shown good cause for granting the requested extension.

It should be emphasized that the August 21, 1989 Order was immediately effective, your requests for an extension of time do not affect the immediate effectiveness of the Order, and the immediate effectiveness determination in that Order constitutes final agency action within the meaning of the Administrative Procedure Act and the Commission's regulations. Accordingly, you have 60 days from August 21, 1989, in which to file a petition for review of that Order in the appropriate U.S. Court of Appeals and the NRC does not have authority to change that deadline.

It should be clear to you that prompt action on your part is required to fully fund the site characterization plan. The NRC will consider the speed with which you develop and submit a trust agreement and commence setting aside funds, and the amount thereof, in determining appropriate enforcement action, including possible referral to the Department of Justice. In that regard, we encourage

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you to take every possible step to fund and implement the site characterization plan. Likewise, we will consider any information your attorneys may wish to bring to our attention by way of an Answer to the Order; such consideration on our part, of course, does not stay the immediate effectiveness of the Order or relax its requirements.

Original Signed by
James Lieberman

James Lieberman, Director
Office of Enforcement

cc: Mr. Jack Miller
D. Jane Drennan, Esq.
G. Charnoff, Esq.

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