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February 2, 1994

John J. Lentz, Project Manager  
Materials Decommissioning Section  
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Division of Low-Level Waste Management  
and Decommissioning  
Office of Nuclear Materials Safety  
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Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Re: Docket No. 040-000861 (Terminated)  
License No. C-2348, C-3496 (Terminated)**

Dear Mr. Lentz:

In December 1993, we spoke with Robert Fonner, Office of General Counsel, about the Nuclear Regulatory Commission's ("NRC") informal policy of requiring the possessor of radioactive source material to perform the remediation in the event voluntary cooperation is not obtained. Mr. Fonner indicated, however, that where appropriate the NRC has required the former license holder -- and not the unfortunate possessor -- to remediate the property. We represented to Mr. Fonner that this is a case where the NRC should pursue the former license holder. He stated that he could only review this issue if requested by the Materials Decommissioning Section.

On October 12, 1993, we requested that the NRC pursue remediation activities with Horizons Incorporated. We informed John Grobe, Fuel Cycle and Decommissioning Branch, that Lamotite, Inc. had identified and had located the successor-in-interest to Horizons Incorporated, the former AEC license holder. We sent to Mr. Grobe a complete corporate chronology and genealogy of the former and current Horizons Incorporated.

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At this time we would request that NRC review this matter with Mr. Fonner, and issue an order requiring Horizons Incorporated to remediate the site. Please call us with any questions or comments.

Very truly yours,

VORYS, SATER, SEYMOUR AND PEASE

By:

  
Stephen J. Petras, Jr.  
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Attorneys for Lamotite, Inc.

JDK/paa

cc: Frank C. Brown, Esq.  
Robert Fonner, Esq.  
Mr. Richard Puhala