UNITED STATES NUCLEAR REGULATORY COMMISSION

In the matter of Hercon Laboratories Emigsville, Pennsylvania 17318 Docket No.: 030-30929 License No.: 37-28324-01

DEMAND FOR INFORMATION

I

Hercon Laboratories (The Licensee) holds NRC License No. 37-28324-01 (the License), issued by the Nuclear Regulatory Commission (the NRC or Commission) pursuant to 10 CFR 30. The license authorizes the licensee to use and possess byproduct material in accordance with the terms and conditions specified therein and the applicable NRC regulations.

H

As of July 27, 1990, the Licensee was required to comply with 10 CFR 30.35 of the Commission's regulations, which requires licensees authorized to possess certain quantities of licensed material to submit either a decommissioning funding plan or a certification of financial assurance for decommissioning in the amount prescribed in 10 CFR 30.35, in accordance with the criteria set forth in that section. The License authorizes such quantities and the NRC staff has not yet received the Licensee's response to this requirement. Therefore, the Licensee appears to be in violation of this requirement.

The violation of the requirements of 10 CFR 30.35 is a significant regulatory concern to the NRC staff. Therefore, further information is needed to determine whether the Commission can have reasonable assurance that the Licensee will satisfy the requirements of 10 CFR 30.35 and otherwise conduct its activities in accordance with the Commission's requirements.

III

Accordingly, pursuant to sections 161c, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and 10 CFR 30.32(b), in order for the Commission to determine whether the license should be modified, suspended, or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, the Licensee is required to submit to the Administrator, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, within 30 days of the date of this Demand for Information, the following information, in writing and under oath or affirmation:

1. If the Licensee believes that 10 CFR 30.35 does not apply to it, the basis for that conclusion (if the Licensee determines that it is not subject to 10 CFR 30.35, the Licensee need not satisfy the remaining requirements in this Demand for Information unless notified by the Region I staff);

REG1100111 910104 37-28324-01 PDR

- d) describe any increase in the amount of accumulated radioactive waste or contamination of buildings, equipment, soil, or groundwater resulting from continuing operations, including the type of waste or contamination, its location, and the rate of increase per month;
- e) describe current plans to remove stored waste or decontaminate buildings, equipment, soil, or groundwater, including a schedule, identification of the repository proposed to receive the waste or contaminated materials, and the source of funds for implementing the plans; and
- 7. If the Licensee does not submit the required instrument within 30 days of the date of this Demand for Information, the Licensee shall provide a statement demonstrating why the NRC staff should have confidence that the Licensee will be able to fully decontaminate its site or sites by the expiration date of its current license.

A copy of the Licensee's response to this Demand for Information shall be clearly marked "copy" and shall be sent to the Director, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, Washington, D.C. 20555.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

FOR THE NUCLEAR REGULATORY COMMISSION

NUCLEAR MATERIALS SAFETY BRANCH

REGION I

KING OF PRUSSIA, PENNSYLVANIA 19406

Dated ap King of Prussia, Pennsylvania this 40 day of January , 1990