



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

October 6, 2004

Docket No. 03005980

License No. 37-00030-02

Larry Harmon
Plant Manager
Safety Light Corporation
4150-A Old Berwick Road
Bloomsburg, PA 17815

SUBJECT: USE OF SAFETY LIGHT CORPORATION/USR INDUSTRIES, INC.
SETTLEMENT AGREEMENT TRUST FUNDS

Dear Mr. Harmon:

This refers to your letter dated August 17, 2004, in which you made a specific request for written confirmation from NRC to use approximately \$180,000 from funds currently maintained by NRC pursuant to the 1994 NRC Settlement Agreement (Trust Fund). These funds would be used to prepare and ship for off-site disposal radioactive waste (2656 ft³) that was removed from two underground silos at the Bloomsburg, PA facility. We understand from your letter that after disposal of the waste that does not require any further processing, the remaining waste at the site will be inventoried and configured to improve storage and reduce potential radiation exposure.

This letter also refers to your letters dated August 10, 2004 and September 21, 2004, with respect to the Bloomsburg, PA facility. In those letters, you made a specific request for release of funds from the Trust Fund to be used to pay two outstanding invoices from Suburban Fence Company in the amounts of \$230.00 and \$840.00, which were approved by you.

Item 17 of the NRC Settlement Agreement permits the use of funds set aside as part of the Agreement for site decontamination, cleanup, and decommissioning. Because the activities proposed to be performed by your contractor, Solutient Technologies, LLC, in preparing and shipping the silo wastes for disposal directly relate to the decontamination and clean up of the site, these expenditures fall within the provisions of Item 17. The invoices for maintaining the site perimeter fencing relate to safely storing radioactive material and waste, as required by your NRC license for possession and decommissioning. As stated in Item 17, "Maintenance of the perimeter fence... is necessary to protect the public health and safety." Accordingly, you are authorized to use up to \$180,000.00 of the Trust Fund to make payment to Solutient Technologies, LLC, and to use \$1070.00 of the Trust Fund to make payment to Suburban Fence Company. With these withdrawals the Trust Fund will be reduced from its current balance of \$184,220.82 to approximately \$3,150.82.

Recognizing that the silo waste is also regulated by the Commonwealth of Pennsylvania Department of Environmental Protection (PADEP) and is under the authority of the U.S. Environmental Protection Agency through an Emergency Removal Action Administrative Order of Consent, we have informed them of our position in this matter. Cognizant representatives from these two agencies have stated to us that they support the above decision to release the

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remaining funds, provided that the work is conducted safely, and the resulting waste storage area is appropriately shielded to reduce radiation exposures. You stated to Ms. Miller, NRC Project Manager for the SLC site that your proposed contractor will conduct this work in accordance with its material license issued by the State of Ohio and under the Commission's provisions in 10 CFR 150 for Agreement State Licensees to work in NRC jurisdiction. As such, all work plans must meet the As Low As Is Reasonably Achievable (ALARA) requirements of 10 CFR Part 20.

If you have any questions regarding this matter, please contact Marie Miller at 610-337-5205.

Sincerely,

Original signed by Samuel J. Collins

Samuel J. Collins
Regional Administrator

cc:

David J. Allard, Chief, Bureau of Radiation Protection, PADEP
Dennis Matlock, On-Scene Coordinator, U.S. EPA, Region 3
Linda Baxter, Superfund Area Manager, U.S. EPA, Region 3

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