



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 8, 2018

M & G Polymers USA, LLC
ATTN: Rocky Sturgeon
P.O. Box 8
Apple Grove, WV 25502

SUBJECT: BANKRUPTCY NOTIFICATION REQUEST FOR INFORMATION

Dear Mr. Sturgeon:

It has come to our attention that M & G Polymers USA, LLC, which possesses U.S. Nuclear Regulatory Commission (NRC) License 47-25227-01, has filed for bankruptcy. Please note that the NRC has requirements for licensees that are the subject of a bankruptcy filing to immediately notify, in writing, the appropriate NRC Regional Administrator of this action.

The NRC requirements for licensees that are the subject of a bankruptcy filing can be found in Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 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.

Specifically, any licensee who is involved in a bankruptcy proceeding, either voluntarily or involuntarily, under any chapter of the bankruptcy law must notify the appropriate NRC Regional Administrator, 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) (see enclosure).

In addition, please provide the following information:

- (1) List any radionuclides and/or nuclear gauges currently possessed by your company. Include any generally licensed material.
- (2) Indicate if you plan to dispose of or transfer any of your radionuclides and/or nuclear gauges during bankruptcy proceedings.
- (3) For each of the radionuclides and/or nuclear gauge(s) identified above, specify whether the radionuclide(s) and/or device(s) are in use or in secured storage.

- (4) Indicate whether any changes have taken place in terms of the radiation safety officer or authorized user(s) for the radionuclides and/or nuclear gauges.
- (5) Specify the type of bankruptcy filed, such as Chapter 7, 11, 12, or 13.
- (6) Describe any changes that are planned for the company operations and use/storage/disposition of the radionuclides and/or nuclear gauges during the bankruptcy proceedings.
- (7) Indicate the anticipated date when the bankruptcy will end.
- (8) Specify any other affiliated companies that may also have radionuclides and/or nuclear gauges that require an NRC license. If so, specify what radionuclides and/or nuclear gauges they possess, and specify the license number and location of the company.
- (9) Specify a contact person and the frequency at which he or she will update NRC about any changes in the status of the radionuclides and/or nuclear gauge(s), or of the bankruptcy proceedings. Immediately contact the NRC of any change in the status of the use, security, and/or storage of the radionuclides and/or nuclear gauges and any change in the individual(s) responsible for the radionuclides and/or nuclear gauge(s).
- (10) For medical licensees, indicate the same information regarding PET radionuclides and the length of time the licensee has been in operation.
- (11) Indicate whether the licensee had decommissioning financial assurance requirements, such as a financial "instrument."

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 the 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 need to close a building, you must first properly secure, dispose of, or transfer all licensed material that was in the building.

If you need to lay off the radiation safety officer, you must first properly secure, dispose of, or transfer all licensed material, and you must inform the NRC of this situation.

We will continue to monitor your activities to ensure that either the facility is cleaned up and licensed material is properly disposed of, or the company is able to exit bankruptcy and operate normally.

R. Sturgeon

- 4 -

If you have any questions, we encourage you to contact Celimar Valentin-Rodriguez at 301-415-7124 or by e-mail at Celimar.Valentin-Rodriguez@nrc.gov.

Sincerely,

/RA by Tomas Herrera for/

Samantha Crane, Acting Branch Chief
Materials Safety Licensing Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety and
Safeguards

License No. 47-25227-01
Docket No. 030-33015

Enclosure:
Information to Notify the NRC of
Bankruptcy

R. Sturgeon

- 4 -

M & G POLYMERS USA, LLC, BANKRUPTCY NOTIFICATION REQUEST FOR
INFORMATION

Date: February 8, 2018

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OFFICE	NMSS/MSLB	NMSS/MSLB	NMSS/MSLB
NAME	CValentin-Rodriguez	DWeaver	THerrera for SCrane
DATE	02/8/2018	02/8/2018	02/8/2018

OFFICIAL RECORD COPY

INFORMATION TO NOTIFY THE 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 U.S. Nuclear Regulatory Commission or Agreement State licenses that may be affected by the bankruptcy.

Company Name

Address

Telephone Number

Enclosure