

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:)
)
CITY OF DETROIT, MICHIGAN) CHAPTER 9
)
) CASE NO. 13-53846
Debtor.)
)
HON. STEVEN W. RHODES

**NOTICE OF PROHIBITION AGAINST TRANSFER OR DISPOSAL OF LICENSE OR
LICENSED RADIOACTIVE MATERIAL WITHOUT PRIOR WRITTEN APPROVAL
OF UNITED STATES NUCLEAR REGULATORY COMMISSION**

The United States of America, on behalf of the United States Nuclear Regulatory Commission (“NRC”), hereby provides notice that Debtor is prohibited from transferring or disposing of their NRC licenses or any licensed radioactive material without prior written approval from the NRC, as set forth below:

1. On July 18, 2013, the Debtor filed a petition seeking bankruptcy protection and the adjustment of debts under Chapter 9 of Bankruptcy Code.
2. Debtor is a holder of a specific NRC license (21-24406-02) for sealed sources for use in moisture/density gauges. The Debtor’s specific NRC license remains and will continue to remain in effect, pursuant to Section 81, 161, and 183 of the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2111, 2201, and 2233), and NRC’s regulations at 10 C.F.R. Section 30.34 with respect to the possession, transfer, and storage of licensed radioactive material remaining in the Debtor’s possession, as contamination or in the other forms, until the NRC notifies the Debtor in writing that a license is terminated.
3. Debtor also holds four active NRC general licenses (Recipient Codes 648265,

703177, 707659, and 724737). The NRC's regulations at 10 C.F.R. Part 31.5 contain the requirements for a general license for certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere, including various recordkeeping and inspection requirements, as well as transfer limitations. NRC general license regulations only permit the Debtor to export, transfer, assign, or dispose of its NRC-licensed materials under certain specified conditions.

4. Although in bankruptcy, the Debtor remains responsible for all regulatory requirements under NRC licenses, including those relating to security and control of licensed radioactive material, decontamination and decommissioning of contaminated facilities, and retention of personnel.

5. Therefore, the United States hereby provides notice that it is the responsibility of the Debtor, and any purchaser or transferee of the Debtor, to ascertain and comply with all NRC rules and regulations, including those limiting or governing transfer, with respect to the NRC licenses.

Respectfully submitted,

ROBERT G. DREHER
Acting Assistant Attorney General
Environment and Natural Resources Division

/s/ Robert W. Darnell
ROBERT W. DARNELL
Department of Justice
Environmental Enforcement Section
National Bankruptcy Coordinator
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

BARBARA L. MCQUADE
United States Attorney
Eastern District of Michigan

JULIA C. CAROFF
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9772

CERTIFICATE OF SERVICE

I certify that on July 24, 2013, I served a true and correct copy of the foregoing **NOTICE OF PROHIBITION AGAINST TRANSFER OR DISPOSAL OF LICENSE OR LICENSED RADIOACTIVE MATERIAL WITHOUT PRIOR WRITTEN APPROVAL OF UNITED STATES NUCLEAR REGULATORY COMMISSION** to all parties who receive notice through the Court's Electronic Case Filing System ("ECF").

/s/ Robert W. Darnell
Robert W. Darnell