

the requirements of paragraph A of this section. In connection with the auditing procedure, the licensee must inform the NRC within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

C.1. After the initial financial test, the parent company must annually pass the test and provide documentation of its continued eligibility to use the parent company guarantee to the Commission within 90 days after the close of each succeeding fiscal year.

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III. * * *

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B. If the licensee fails to provide alternate financial assurance as specified in the Commission's regulations within 90 days after receipt by the licensee and Commission of a notice of cancellation of the parent company guarantee from the guarantor, the guarantor will provide alternative financial assurance that meets the provisions of the Commission's regulations in the name of the licensee.

C. The parent company guarantee and financial test provisions must remain in effect until the Commission has terminated the license, accepted in writing the parent company's alternate financial assurances, or accepted in writing the licensee's financial assurances.

D. A standby trust to protect public health and safety and the environment must be established for decommissioning costs before the parent company guarantee agreement is submitted. The trustee and trust must be acceptable to the Commission. An acceptable trustee includes an appropriate State or Federal Government agency or an entity which has the authority to act as a trustee, whose trust operations are regulated and examined by a Federal or State agency. The Commission has the right to change the trustee. An acceptable trust will meet the regulatory criteria established in these regulations that govern the issuance of the license for which the guarantor has accepted the obligation to pay for decommissioning costs.

E. The guarantor must agree that it would be subject to Commission orders to make payments under the guarantee agreement.

F. The guarantor must agree that if the guarantor admits in writing its inability to pay its debts generally, or makes a general assignment for the benefit of creditors, or any proceeding is instituted by or against the guarantor seeking to adjudicate it as bankrupt or insolvent, or seeking dissolution, liquidation, winding-up, reorganization, arrangement, adjustment, protection, relief

or composition of it or its debts under any law relating to bankruptcy, insolvency, or reorganization or relief of debtors, or seeking the entry of an order for relief or the appointment of a receiver, trustee, custodian, or other similar official for the guarantor or for any substantial part of its property, or the guarantor takes any action to authorize or effect any of the actions stated in this paragraph, then the Commission may:

1. Declare that the financial assurance guaranteed by the parent company guarantee agreement is immediately due and payable to the standby trust set up to protect the public health and safety and the environment, without diligence, presentment, demand, protest or any other notice of any kind, all of which are expressly waived by guarantor; and

2. Exercise any and all of its other rights under applicable law.

G. 1. The guarantor must agree to notify the NRC, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States Code, or the occurrence of any other event listed in paragraph F of this Appendix, by or against:

- (i) The guarantor;
- (ii) The licensee;
- (iii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or
- (iv) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

2. This notification must include:

- (i) A description of the event, including major creditors, the amounts involved, and the actions taken to assure that the amount of funds guaranteed by the parent company guarantee for decommissioning will be transferred to the standby trust as soon as possible;
- (ii) If a petition of bankruptcy was filed, the identity of the bankruptcy court in which the petition for bankruptcy was filed; and
- (iii) The date of filing of any petitions.

APPENDIX B TO PART 30—QUANTITIES¹
OF LICENSED MATERIAL REQUIRING LABELING

Material	Micro-curies
Americium-24101
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-133	10
Barium-140	10

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<i>Material</i>	<i>Micro-curies</i>	<i>Material</i>	<i>Micro-curies</i>
Bismuth-210	1	Nickel-65	100
Bromine-82	10	Niobium-93m	10
Cadmium-109	10	Niobium-95	10
Cadmium-115m	10	Niobium-97	10
Cadmium-115	100	Osmium-185	10
Calcium-45	10	Osmium-191m	100
Calcium-47	10	Osmium-191	100
Carbon-14	100	Osmium-193	100
Cerium-141	100	Palladium-103	100
Cerium-143	100	Palladium-109	100
Cerium-144	1	Phosphorus-32	10
Cesium-131	1,000	Platinum-191	100
Cesium-134m	100	Platinum-193m	100
Cesium-134	1	Platinum-193	100
Cesium-135	10	Platinum-197m	100
Cesium-136	10	Platinum-197	100
Cesium-137	10	Plutonium-23901
Chlorine-36	10	Polonium-210	0.1
Chlorine-38	10	Potassium-42	10
Chromium-51	1,000	Praseodymium-142	100
Cobalt-58m	10	Praseodymium-143	100
Cobalt-58	10	Promethium-147	10
Cobalt-60	1	Promethium-149	10
Copper-64	100	Radium-22601
Dysprosium-165	10	Rhenium-186	100
Dysprosium-166	100	Rhenium-188	100
Erbium-169	100	Rhodium-103m	100
Erbium-171	100	Rhodium-105	100
Europium-152 9.2 h	100	Rubidium-86	10
Europium-152 13 yr	1	Rubidium-87	10
Europium-154	1	Ruthenium-97	100
Europium-155	10	Ruthenium-103	10
Fluorine-18	1,000	Ruthenium-105	10
Gadolinium-153	10	Ruthenium-106	1
Gadolinium-159	100	Samarium-151	10
Gallium-72	10	Samarium-153	100
Germanium-71	100	Scandium-46	10
Gold-198	100	Scandium-47	100
Gold-199	100	Scandium-48	10
Hafnium-181	10	Selenium-75	10
Holmium-166	100	Silicon-31	100
Hydrogen-3	1,000	Silver-105	10
Indium-113m	100	Silver-110m	1
Indium-114m	10	Silver-111	100
Indium-115m	100	Sodium-24	10
Indium-115	10	Strontium-85	10
Iodine-125	1	Strontium-89	1
Iodine-126	1	Strontium-90	0.1
Iodine-129	0.1	Strontium-91	10
Iodine-131	1	Strontium-92	10
Iodine-132	10	Sulphur-35	100
Iodine-133	1	Tantalum-182	10
Iodine-134	10	Technetium-96	10
Iodine-135	10	Technetium-97m	100
Iridium-192	10	Technetium-97	100
Iridium-194	100	Technetium-99m	100
Iron-55	100	Technetium-99	10
Iron-59	10	Tellurium-125m	10
Krypton-85	100	Tellurium-127m	10
Krypton-87	10	Tellurium-127	100
Lanthanum-140	10	Tellurium-129m	10
Lutetium-177	100	Tellurium-129	100
Manganese-52	10	Tellurium-131m	10
Manganese-54	10	Tellurium-132	10
Manganese-56	10	Terbium-160	10
Mercury-197m	100	Thallium-200	100
Mercury-197	100	Thallium-201	100
Mercury-203	10	Thallium-202	100
Molybdenum-99	100	Thallium-204	10
Neodymium-147	100	Thorium (natural) ¹	100
Neodymium-149	100	Thulium-170	10
Nickel-59	100	Thulium-171	10
Nickel-63	10	Tin-113	10

Material	Micro-curies
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural) ²	100
Uranium-23301
Uranium-234—Uranium-23501
Vanadium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition01
Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition1

¹ Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

² Based on alpha disintegration rate of U-238, U-234, and U-235.

NOTE: For purposes of §20.303, where there is involved a combination of isotopes in known amounts, the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (*i.e.*, "unity").

[35 FR 6425, Apr. 22, 1970, as amended at 36 FR 16898, Aug. 26, 1971; 38 FR 29314, Oct. 24, 1973; 39 FR 23991, June 28, 1974; 45 FR 71763, Oct. 30, 1980. Redesignated at 56 FR 23391, May 21, 1991, and further redesignated at 58 FR 67659, Dec. 22, 1993]

APPENDIX C TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF GUARANTEES FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING

I. INTRODUCTION

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the company passes the financial test of Section II of this appendix. The terms of the self-guarantee are in Section III of this appendix. This appendix es-

tablishes criteria for passing the financial test for the self guarantee and establishes the terms for a self-guarantee.

II. FINANCIAL TEST

A. To pass the financial test, a company must meet all of the following criteria:

(1) Tangible net worth at least 10 times the total current decommissioning cost estimate for the total of all facilities or parts thereof (or the current amount required if certification is used), or, for a power reactor licensee, at least 10 times the amount of decommissioning funds being assured by a self guarantee, for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor for the total of all reactor units or parts thereof (Tangible net worth shall be calculated to exclude the net book value of the nuclear unit(s)).

(2) Assets located in the United States amounting to at least 90 percent of total assets or at least 10 times the total current decommissioning cost estimate for the total of all facilities or parts thereof (or the current amount required if certification is used), or, for a power reactor licensee, at least 10 times the amount of decommissioning funds being assured by a self guarantee, for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor for the total of all reactor units or parts thereof.

(3) A current rating for its most recent bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P), or Aaa, Aa, or A as issued by Moodys.

B. To pass the financial test, a company must meet all of the following additional requirements:

(1) The company must have at least one class of equity securities registered under the Securities Exchange Act of 1934.

(2) The company's independent certified public accountant must have compared the data used by the company in the financial test which is derived from the independently audited, yearend financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform NRC within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

(3) After the initial financial test, the company must repeat passage of the test within 90 days after the close of each succeeding fiscal year.

C. If the licensee no longer meets the requirements of Section II.A. of this appendix, the licensee must send immediate notice to the Commission of its intent to establish alternate financial assurance as specified in