

## Corporate Guarantee for Reclaiming

### Department of Environment and Conservation, Division of Radiological Health

A corporate guarantee must be worded as follows except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

#### CORPORATE GUARANTEE FOR RECLAIMING

Guarantee made this (date) by (name of guaranteeing entity), a business corporation organized under the laws of the State of (insert name of State), herein referred to as guarantor, to the Tennessee Department of Environment and Conservation (Department), obligee, on behalf of our subsidiary (applicant or licensee) of (business address).

#### Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in part (4)(d)6 of Rule 0400-20-10-.12.
2. (Applicant or licensee) owns or operates and is licensed by the Department to receive, possess, store and use radioactive material at the facility covered by this guarantee: (List for the facility: license number, name and address).
3. For value received from (licensee), guarantor guarantees to the Department that in the event that (licensee) fails to perform reclaiming of the above facility in a manner deemed acceptable by the Commissioner to assure health and safety from radiation hazards and other license requirements, the guarantor shall do so or forfeit to the State of Tennessee, as specified in paragraph (4) of Rule 0400-20-10-.12 monies in an amount equal to the current reclaiming cost estimates as specified in paragraph (4) of Rule 0400-20-10-.12.
4. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 30 days, by certified mail, notice to the Director of the Department's Division of Radiological Health (Division Director) and to (licensee) that he intends to provide alternate financial assurance as specified in paragraph (4) of Rule 0400-20-10-.12, in the name of (licensee). Within 90 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless (licensee) has done so.
5. The guarantor agrees to notify the Division Director, by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of this proceeding.
6. Guarantor agrees that within 30 days after being notified by the Division Director of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor for reclaiming he shall establish alternate financial assurance as specified in paragraph (4) of Rule 0400-20-10-.12 in the name of (licensee) unless (licensee) has done so.
7. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the license, the extension or reduction of the time of performance of reclaiming or any other modification or alteration of an obligation of the licensee pursuant to these regulations.
8. Guarantor agrees to remain bound under this guarantee for so long as (licensee) must comply with the applicable financial assurance requirements of paragraph (4) of Rule 0400-20-10-.12 for the above listed facility, except that guarantor may cancel this guarantee by sending notice by

certified mail to the Division Director and to (licensee), such cancellation to become effective no earlier than 180 days after receipt of such notice by both the Department and (licensee), as evidenced by the return receipts.

9. Guarantor agrees that if (licensee) fails to provide alternate financial assurance as specified in paragraph (4) of Rule 0400-20-10-.12, and obtain written approval of such assurance from the Division Director within 30 days after a notice of cancellation by the guarantor is received by the Division Director from guarantor, guarantor shall provide such alternate financial assurance in the name of (licensee).
  
10. Guarantor expressly waives notice of acceptance of this guarantee by the Department or by (licensee). Guarantor also expressly waives notice of amendments or modification of the facility license.

I hereby certify that the wording of this guarantee is identical to the wording specified in part (4)(j)5 of Rule 0400-20-10-.12 as such regulations were in effect on the date first above written.

Effective Date: \_\_\_\_\_

(Name of guarantor)

(Authorized signature for guarantor)

(Name of person signing)

(Title of person signing)

Signature of witness or notary: \_\_\_\_\_