



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

November 29, 2004

Docket No. 03005249  
Control No. 135910

License No. 29-01035-01

Sha'aban ElNaggar, Ph.D.  
Radiation Safety Officer  
FMC Corporation  
Chemical R&D Center  
P. O. Box 8  
Princeton, NJ 08543

SUBJECT: FMC CORPORATION, REVIEW OF FINANCIAL ASSURANCE SUBMITTAL,  
CONTROL NO. 135910

Dear Dr. ElNaggar:

This is in reference to your letter dated October 29, 2004, with attached Letter of Credit and Standby Trust Agreement to provide financial assurance for Nuclear Regulatory Commission License No. 29-01035-01. We have reviewed your submittal and request that you modify your submission to address the specific matters described below:

1. Please include the following at the beginning of your Standby Letter of Credit:

IRREVOCABLE STANDBY LETTER OF CREDIT NO. [Insert Number]

This Credit Expires [Insert date]

Issued To: U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

2. Paragraph 1 of the Standby Letter of Credit lists the mailing address for the corporate offices of FMC Corporation instead of the licensee's address at the Chemical Research and Development Center, Forrestal Center, U.S. Route 1 and Plainsboro Road, Princeton, New Jersey. Also, the NRC License Number and Docket Number need to be included.
3. There is also a discrepancy in Paragraph 1 of the Standby Letter of Credit between the written and numerical values of the aggregate amount. Please revise the written amount to "one million, one hundred and twenty-five thousand U.S. dollars."
4. Please include the address of the Trustee in Paragraph 1 of the Standby Trust Agreement.

5. Please correct the following typographical errors in the Standby Trust Agreement:

- a. On page 3, Section 8(e) needs to be separated from Section 9.
- b. Section 13
  - Line 1: "Trusteemay" to "Trustee may"
  - Line 2: "Trustee;but" to "Trustee; but"
  - Line 3: "asuccessor" to "a successor"
  - Line 4: "Assumeits" to "assume its"
  - Line 5: "Stateor" to "State or"
  - Line 6: "whosetrust" to "whose trust"
  - Line 7: "Trusteehereunder" to "Trustee hereunder"
  - Line 8: "theresignation" and "transfer,and" to "the resignation" and "transfer, and"
  - Line 9: "Iffor" to "If for"
  - Line 10: "Trustee,the" to "Trustee, the"
  - Line 11: "successorTrustee" to "successor Trustee"
  - Line 12: "assumesadministration" to "assumes administration"
  - Line 13: "theTrustee" to "the Trustee"

Page 6, under Ralph E. Jones, Wachovia is spelled Wachovia.

- 6. Your submittal does not include Schedules B and C, a Specimen Certificate of Events or a Specimen Certificate of Resolution as found on pages A-165 through A-167 (Enclosed) of NUREG-1757, Volume 3. Please complete the documents leaving the appropriate fields blank that will need to be completed when you determine that decommissioning will commence.
- 7. Page 7 of your submittal contains a Certification Statement. Two representatives of FMC Corporation were present. The financial instrument to which they are certifying is an instrument of Wachovia Bank, therefore, the representative(s) present should be from Wachovia Bank. Please revise the Certification.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web

S. ElNaggar  
FMC Corporation

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site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the NRC Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or [pdr@nrc.gov](mailto:pdr@nrc.gov).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 135910. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5075.

Since financial assurance is required for your license, we request that you submit your response to this letter within 30 calendar days from the date of this letter.

Sincerely,

***Original signed by Steven Courtemanche***

Steven Courtemanche  
Health Physicist  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosures:

1. 10 CFR Parts 19, 20, and 30
2. NUREG-1757, Volume 3, Pages A-165 through A-167

cc:

Thomas C. Deas, Vice President and Treasurer  
Frank J. McKeaney, Manager, Treasury Administration

S. ElNaggar  
FMC Corporation

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