

August 15, 2007

Dr. Edwin Theriot
Director, Environmental Programs
U.S. Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

SUBJECT: PROPOSED PROCESS TO DECOMMISSION AND CLEANUP THE ABB
WINDSOR SITE

Dear Dr. Theriot:

Your letter, dated August 2, 2007, proposed a process that the U.S. Army Corps of Engineers (the Corps) has identified to facilitate the efficient and effective decommissioning and cleanup of the ABB, Inc. site in Windsor, Connecticut (Windsor site). Under the proposed process, the Corps will suspend its Formerly Utilized Sites Remedial Action Program (FUSRAP) activities at the Windsor site while the U.S. Nuclear Regulatory Commission (NRC) and its licensee, ABB Inc., supplement the existing site decommissioning plan to encompass cleanup of the FUSRAP-related materials. After the supplemented decommissioning plan is approved by NRC, ABB would decommission the entire Windsor site pursuant to NRC regulations.

As you note, at the Windsor site, there is extensive commingling of FUSRAP material and NRC-licensed material from past commercial operations. Because NRC-licensed and FUSRAP-related materials are commingled, and it would be difficult or impossible to segregate the materials during the decommissioning process, we conclude that the NRC may properly assert jurisdiction over all these radiological materials at the site, for purposes of facilitating site clean-up, decommissioning, and eventual termination of the NRC license.

Thus, the NRC agrees that the approach set forth in your letter will facilitate decommissioning the Windsor site and the NRC will oversee ABB's decommissioning actions as described above. However, in the unlikely event that a particular portion of the site is later found to contain residual contamination not from commingled material but solely from clearly identifiable FUSRAP material, the NRC will disclaim jurisdiction over that portion of the site. Upon discovery of any such contamination, the NRC will notify the Corps.

You requested access to relevant decommissioning documents as work at the Windsor site proceeds. The Corps will have such access. Further, during the Windsor site decommissioning process, the NRC will consider Corps suggestions that could later expedite site closure under FUSRAP

At the completion of decommissioning, the NRC agrees to work with the Corps to ensure that both FUSRAP-related and NRC requirements have been met. After these determinations are

made, the Corps will close out the Windsor site per existing agreements with the Department of Energy, and NRC will terminate the NRC license. To ensure a successful outcome, I recommend that our staffs work closely during the cleanup of the site, and share information relevant to the completion of the cleanup, to ensure that both agencies' requirements are met at the completion of ABB's efforts.

We will be contacting ABB, Inc. regarding this action, and requesting a meeting with them to discuss the next steps for supplementing the decommissioning plan. We will inform you of the schedule for this meeting, should the Corps wish to attend.

If you have any questions concerning this letter, please contact me at (301) 415-7295. I look forward to working with you to implement the process set forth above.

Sincerely,

/RA/

Dr. Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 70-1100
License No.: SNM-1067

cc: Hon. R. Blumenthal, CT Attorney Gen.
Hon. J. Larson, CT Congressman
Commissioner G. McCarthy, CT DEP
Hon. D. Trinks, Mayor, Town of Windsor
D. Frankel, USDOJ
P. Souza, Manager, Town of Windsor
S. Miller, USDOE
C. Clayton, USDOE
J. Thompson, LLGM
J. Conant, ABB, Inc.

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