

40-8907



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

JUN 26 2001

Roger Florio, Esq.  
Counsel, Environmental Affairs  
GE Aircraft Engines Division  
One Neumann Way (MD T165A)  
Cincinnati, Ohio 45215

Re: EPA Administrative Order Docket No. CERCLA 6-11-89

Dear Mr. Florio:

Thank you for your June 1, 2001 letter, concerning the referenced administrative order (AO) issued by the U.S. Environmental Protection Agency (EPA) under section 106(a) of the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA), 42 U.S.C. § 9606(a). In your letter, you indicated that the General Electric Company (GE), which owns United Nuclear Corporation (UNC)(Respondent to the AO) as a wholly owned subsidiary, has agreed to demonstrate financial responsibility in order to satisfy the performance guarantee requirements of the AO for the UNC Church Rock, New Mexico facility. GE has by your letter agreed to use its annual financial assurance commitment under 40 C.F.R. 264.146, 264.147(f), and 264.151(g) to EPA and the assignment of \$2,000,000.00 from its contingency fund, in order to meet the performance guarantee requirements of sub-paragraph V.A.14.e. of the AO.

EPA accepts the GE offer and agrees these terms are sufficient to meet the performance guarantee requirements of the AO, provided that this does nothing to impair its required RCRA assurances and that the following conditions are met. First, GE shall provide the EPA Superfund Branch (6RC-S) with the current version of the financial assurance letter each year and shall add the UNC Church Rock facility to the Schedule of facilities appended and covered by the financial assurance, designating on the Schedule the referenced AO as authority for the UNC facility in lieu of RCRA. (The UNC EPA CERCLIS number is NMD030443303.) Second, GE will ensure that this method is sufficient to satisfy the United States Nuclear Regulatory Commission (NRC) license requirement that is also applicable to the Church Rock facility.

Thank you for your cooperation and responsiveness. If you have any questions, please do not hesitate to call me at (214) 665-3159.

Sincerely yours,

James L. Turner  
Senior Attorney (6RC-S)  
Office of Regional Counsel

cc: Ken Hooks, NRC ✓  
Charles de Saillan, NMED

NM Soil Public