June 8, 2007

The Honorable Richard Blumenthal
Attorney General
State of Connecticut
Hartford, Connecticut 06106

Dear Mr. Attorney General:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated March 5, 2007, in which you expressed concerns about the Formerly Utilized Sites Remedial Action Program (FUSRAP) at the Windsor, Connecticut site (ABB Windsor site), as administered by the U.S. Army Corps of Engineers (USACE). Specifically, you identified three deficiencies concerning the USACE draft Feasibility Study (FS) and requested that NRC require USACE, under our existing Memorandum of Understanding (MOU), to correct its draft FS.

USACE is undertaking remediation activities at the NRC-licensed ABB Windsor site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. NRC's Memorandum of Understanding (MOU) with USACE established a cooperative process that, among other things, permits the NRC to suspend its license at an affected site. These provisions exist to ensure that NRC requirements do not hinder USACE in its CERCLA remediation efforts for that portion of the site containing FUSRAP material. To date, the NRC has not received a request from USACE to place the ABB Windsor site license in abeyance to facilitate this process. Under the MOU's terms, such a request is only made after USACE publishes its Record of Decision regarding its CERCLA remediation action. Although USACE has agreed, under the terms of the MOU, to meet NRC's 10 CFR Part 20 requirements for release of the site, it is the NRC licensee, in this case ABB Windsor, not USACE, that has the overall responsibility for ensuring that its site is decommissioned consistent with the requirements of 10 CFR Part 20.

The Commission understands that USACE considers the version of the draft FS to which you refer as a working document, not a formal proposal for the ABB Windsor site. The NRC has not yet received the draft FS for review. In that regard, we understand that USACE intends to provide the NRC staff with the draft FS in October 2007. When the draft is received, the NRC staff will review it to determine if the planned action is consistent with the 10 CFR Part 20 requirements. During its review, the NRC staff will meet with the Connecticut Department of Environmental Protection to better understand the State's concerns about the draft FS. However, please understand that, as reflected in the MOU, the NRC lacks authority to dictate the contents of the USACE's FS, nor does it have the authority to specify a timeframe for completion of USACE's FS.

The NRC looks forward to continued participation by the State of Connecticut in the decommissioning activities at the ABB Windsor site. The Commission understands the importance of this issue and appreciates your comments on USACE cleanup of the FUSRAP portion of the ABB Windsor site. If you need additional assistance, please contact Larry Camper, Director of NRC's Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs. Mr. Camper can be reached at 301-415-7319.

Sincerely,

/RA/

Dale E. Klein

cc: Patricia Rivers, USACE
John Brett, ABB
Gina McCarthy, CTDEP