



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

July 11, 2012

Docket No. 03020681
Control No. 577272

License No. 07-13441-02

Guy V. Johnson
Corporate Counsel
E.I. du Pont de Nemours and Company, Inc.
DuPont Legal, Environment Group
1007 Market Street, Room D7090-2
Wilmington, DE 19898

SUBJECT: E.I. DU PONT DE NEMOURS AND COMPANY, INC., REQUEST FOR
ADDITIONAL INFORMATION CONCERNING FINANCIAL ASSURANCE
DOCUMENTS, CONTROL NO. 577272

Dear Mr. Johnson:

This is in reference to your letter dated April 27, 2012 providing financial assurance for decommissioning for Nuclear Regulatory Commission License No. 07-13441-02. In order to continue our review, we need the following additional information:

1. The letter dated April 27, 2012, was addressed to Rockville, Maryland. All original financial instruments and any financial assurance correspondence must be delivered to Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406. Region 1 was able to obtain the original letter and documents from headquarters but caused unnecessary delay and a large potential for missing documents.
2. The facility addresses on the Financial Guarantee Bond and the Standby Trust Agreement do not match the facility addresses as submitted in the license renewal application dated April 10, 2012. Please amend the Financial Guarantee Bond and the Standby Trust Agreement such that the addresses match the current renewal application.
3. Listed on the Schedule C of the Standby Trust Agreement is a statement that the Trustee's fees shall be as set forth in the Side Letter by and between Grantor and Trustee. It would appear based on this statement that the Standby Trust Agreement has other legal obligations required by a "Side Letter." Our Regional Council has reviewed a past side letter and have found them to be not acceptable. Please submit a copy of the side letter so that we can determine acceptability or remove the requirement of the side letter. Alternatively, you may obtained a different Standby Trust Agreement where a side letter is not required.
4. The submitted Certificate of Events form did not follow the model given in Appendix A section A.17.6 of NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance, Financial Assurance, Recordkeeping, and Timeliness." In particular the form

did not include the three statements of 1) requiring to commence decommissioning, 2) plans and procedures for the conduct of the decommissioning have been approved, and 3) the Board of Directors has adopted the attached resolution authorizing the commencement of the decommissioning. (Please see statement in the NUREG-1757, Volume 3.) Please submit a new Certificate of Events form.

5. There was no submitted Certificate of Resolution form. The form is required as part of the Standby Trust Agreement. Please see Appendix A section A.17.7 of NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance, Financial Assurance, Recordkeeping, and Timeliness" for an example. Please submit the Certificate of Resolution form.
6. A current Certification of Financial Assurance has not been received which reflects the requested materials in the renewal dated April 10, 2012. Please follow the model given in Appendix A, section A.2.4 of NUREG-1757, Volume 3, "Consolidated NMSS Decommissioning Guidance, Financial Assurance, Recordkeeping, and Timeliness." Please submit a new Certification of Financial Assurance.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits, see our toolkit index page**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

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. 577272. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5366.

Please note that the Region I Division of Nuclear Materials Safety has moved effective May 9, 2012. Our new address is:

USNRC – Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

G. Johnson

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Thank you for your cooperation.

Sincerely,

Original signed by Dennis R. Lawyer

Dennis R. Lawyer
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

cc:

John M. Brisbin, Radiation Safety Officer
Maurice R. Richard, DuPont Site Facilities Manager

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SUNSI Review Complete: DLawyer

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