



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

July 31, 2012

Docket No. 03003754
Control No. 575937

License No. 06-00217-06

John F. Conant
Director, Nuclear Engineering and Compliance
ABB Inc.
5 Waterside Crossing
Windsor, CT 06095

SUBJECT: ABB INC., REQUEST FOR ADDITIONAL INFORMATION CONCERNING
APPLICATION FOR AMENDMENT TO LICENSE, CONTROL NO. 575937

Dear Mr. Conant:

This is in reference to your letter dated June 28, 2012, by which you provided your financial assurance instrument and associated documents for review. In order to continue our review, we need the following additional information:

1. On the first page of the letter of credit dated January 6, 2012, under the second bullet, there is a typographical error. "Regarding" should be "reading" as follows: "(2) Your signed statement reading as follows."
2. Your license authorizes licensed radioactive material under Parts 30 (byproduct), 40 (source) and 70 (special) and, therefore, the second sentence of the first paragraph on the second page of the letter of credit should be rewritten. "NRC has promulgated regulations ... Parts 30, 40 and 70, which ... license issued under 10 CFR Parts 30, 40 and 70 provide assurance."
3. On the second page of the letter of credit, in the second sentence of the second paragraph, there is a typographical error. The word "of" should be the word "or" in the phrase beginning "... or (2) any violation of...".
4. The Certification of Financial Assurance should also include reference to source and special material as well as Parts 40 and 70 as per the model certification of financial assurance in section A.2.4 of Nureg-1757, Volume 3.
5. In the first paragraph of the Statement of Intent, indicate in what State the licensee is set up as a corporation, partnership or proprietorship. "This Standby Trust Agreement ... between ABB Inc., a (Insert name of State) (insert whether a corporation, partnership or proprietorship), herein referred to..."

6. In the second paragraph of the Statement of Intent, you make reference to licensed material regulated by 10 CFR Part 72, which your license does not authorize. Please delete the reference to Part 72. Also, correcting two typographical errors, the first and second references should say "Parts" and the second reference has two commas after "40" and the references should read: "Parts 30, 40 and 70."
7. The verb used in the third paragraph of the Statement of Intent is "desires to provide" which implies that the letter of credit has not been provided. Please change the wording to "has elected to use" as in the Model Statement of Intent. Also, the word "security" should be changed to "assurance" because security has a different meaning when used by the Commission.
8. Under Section 2 of the Statement of Intent "Part 30" should be changed to "Parts 30, 40 and 70."
9. In the title of Section 4 of the Statement of Intent, please delete the word "of" as it is not needed.
10. In Section 5 of the Statement of Intent, "Payment for Required Activities Specified in the Plan"
 - The following preamble identified in section A.17.4 of the model standby trust agreement of NUREG-1757, Volume 3, was omitted: "The Trustee shall make payments from the Fund to the Grantor upon presentation to the Trustee of the following: ..." Please add this to Section 5.
 - A typographical error in (b)(2) as the word "to" is missing, i.e., "... pursuant to that Plan, and..."
 - There are two errors in (b)(3), i.e., there should be no apostrophe after the word days and the word "escrow" should be "trust".
 - Please confirm that in (c) you are referring to an order from the NRC and if so change the wording to "An order from the NRC for payment ..."
 - Change the wording in the next paragraph to "No withdrawal from the Fund ... whichever is less, unless NRC written approval is attached."
11. In Section 6(a) of the Statement of Intent, the following phrase was omitted: "..., or any other owner or operator of the facilities..," This phrase is required in the unlikely event that the facility changes hands or the owner/operator of the facility is not an NRC licensee and the Grantor no longer exists.
12. Section 8(a) of the Statement of Intent states that transactions made by the Trustee are "as necessary for prudent management of the Fund." The above statement is considered too broad in nature and should be replaced with the model language "as necessary to allow duly authorized withdrawals at the joint request of the Grantor and the NRC or to reinvest in securities at the direction of the Grantor."
13. In Section 13 of the Statement of Intent, in the third sentence, the phrase, "Upon the successor trustee's acceptance of the appointment ..." is used. The phrase is not in

keeping with the previous commitments made in this section whereby the successor is found to be ready to assume its duties and that the NRC agrees in writing prior to the successor trustee assuming its duties. Please use the following phrase or its equivalent: "When the resignation or replacement is effective..."

14. In Section 14 of the Statement of Intent, in the third sentence, there is a typographical error which uses the word "and" instead of "or". Please change the sentence as indicated, "If the NRC or a state agency issues orders, requests or instructions..."
15. If you are going to redo the Certificate of Acknowledgement, please note and correct the following inconsistency: The header for the State of New York Notary is for the State and County while the body of the acknowledgement refers to the City and State.
16. The attached Form of Certificate of Resolution has a date of May 2012 in the Witness statement. The date should only be completed when the document is signed and prepared for execution. Please correct the error.
17. Schedule A refers to your NRC License Number as 06-02217-06. Please change the reference to 06-00217-06.

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. 575937. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5236 or Steven Courtemanche at (610)-337-5075.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we will assume that you do not wish to pursue your application.

J. Conant

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

U. S. Nuclear Regulatory Commission
Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Your cooperation with us is appreciated.

Sincerely,

Original signed by John Nicholson

John Nicholson
Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety

cc:
Heath Downey, Radiation Safety Officer

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DATE	07/31/2012		07/31/2012				

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