



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751
June 27, 2013

Engineering & Planning Division

REC RG 107 02 '13 AM 07:44

Mr. Marc Ferdas
Chief, Decommissioning Branch
U.S. Nuclear Regulatory Commission
2100 Renaissance Boulevard
Suite 100
King of Prussia, PA 19406-2713

06-00217-06
03003754

RE: Closeout of the FUSRAP cleanup of the ABB Windsor Site

Mr. Ferdas,

In accordance with the attached Proposed Process to Decommission and Clean Up the ABB Windsor Site, dated August 2, 2007, I am writing to notify you that we have no further comments regarding Final Status Survey Report Submittals Numbers 1 through 7 and responses to comments submitted by ABB. The Corps of Engineers has no objection to the NRC proceeding with termination of the license for ABB, Inc. site at 2000 Day Hill Road, Windsor, Connecticut.

Please give me a call at (978) 318-8162 if there are any questions or concerns.

Sincerely,

Scott E. Acone, P.E. PMP
Chief, Engineering & Planning Division

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License No. 06-00217-06
Docket No. 030-03754

REC'D IN LAT 7-02-13

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NMSS/RGN1 MATERIALS-002



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

AUG 2 2007

Environmental Programs

Mr. Keith I. McConnell, Deputy Director
Division of Waste Management and Environmental Protection
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Proposed Process to Decommission and Clean Up the ABB Windsor Site

Dear Mr. McConnell:

In accordance with recent discussions among the staffs of the United States Nuclear Regulatory Commission (NRC), the U.S. Army Corps of Engineers (Corps) and the U.S. Department of Energy (DOE), this letter identifies an approach to facilitate the efficient and effective decommissioning and cleanup of the ABB, Inc., site at 2000 Day Hill Road (previously 1000 Prospect Hill Road), Windsor, Connecticut (Windsor site). The Corps anticipates a response from the NRC acknowledging and agreeing with the process proposed in this letter.

ABB, Inc. is an NRC licensee that conducted licensed operations at the Windsor site, and is now decommissioning the site. The Windsor site was also designated by DOE as a FUSRAP site. The Corps executes FUSRAP for DOE. As a result, the NRC and the Corps have concurrent jurisdiction over the site.

NRC licensed activities at the site consist solely of decommissioning pursuant to NRC regulations at 10 CFR Part 20 Subpart E and are expected to lead to license termination and release of the site for unrestricted use. NRC regulations require that the entire site be decommissioned, but only consider NRC-licensed materials related to past commercial activities. FUSRAP cleanup follows the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and addresses only the portions of the site containing residual radioactivity resulting from the Nation's early atomic energy program activities. Such activities were non-commercial, Government-related work for the Atomic Energy Commission and its successors. At the Windsor site, FUSRAP-related materials are commingled with commercial materials. This commingling brings the materials under two different programs regulated or overseen by two different agencies.

ABB is decommissioning the site subject to NRC regulations and would like to clean up the FUSRAP-related materials together with the commercial materials because the FUSRAP cleanup must be completed prior to the NRC terminating the site license and

ATTACH 1

releasing the site for unrestricted use. Furthermore, cleanup under FUSRAP could result in materials being left in place that would need to be removed later to accommodate NRC site-wide decommissioning criteria. Because the commercial materials and FUSRAP materials are radiologically similar, no special technical difficulties arise.

After careful consideration, the NRC and the Corps have decided that the best interests of public health and safety, and protection of the environment, are served by allowing ABB to decommission the entire site pursuant to NRC regulations.

Therefore, the Corps will suspend its FUSRAP activities at the Windsor site while the NRC and ABB supplement the existing site decommissioning plan to encompass cleanup of FUSRAP-related materials. This will promote safety by reducing the time required to remove the contaminants from the environment by relieving ABB of the requirement to comply with two administrative programs. NRC staff will periodically inspect the ongoing decommissioning activities under its routine decommissioning inspection program.

During decommissioning, the Corps requests access to relevant decommissioning plans, work plans, reports, and sampling results for the purpose of ensuring CERCLA health and safety requirements are met. The Corps does not expect to participate substantively in the Windsor site decommissioning process, but may from time to time make suggestions that could expedite site closure under FUSRAP at the completion of decommissioning.

At the completion of decommissioning, the Corps and NRC will work together, using qualified NRC data or independent sampling if necessary to determine whether the site meets CERCLA statutory requirements for response actions related to the FUSRAP materials, i.e., contains a release or substantial threat of release into the environment of pollutants or contaminants resulting from work related to the Nation's early atomic energy program, and which may present an imminent and substantial danger to the public health or welfare sufficient to warrant further response action under CERCLA. Once the Corps has verified the site is properly cleaned up per FUSRAP-CERCLA requirements and NRC verifies that the site meets the requirements of 10 CFR Subpart E, the Corps will close out the site per existing agreements with DOE, and NRC will terminate the license.

If the procedures described above are acceptable to the NRC, please notify me in writing. The Corps will notify Congress of our intent to utilize these procedures for this site. Once in place, these procedures will facilitate each agency meeting its continuing responsibilities at this site.

This letter is also formal notification that I have assumed the responsibilities as the US Army Corps of Engineers' Principal Representative for the NRC-USACE FUSRAP MOU. My contact information is

Dr. Edwin Theriot
Director, Environmental Programs
US Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000
(202)-761-5642.

Ms. Suzanne Beauchamp, FUSRAP Execution Program Manager, will be my staff point of contact for the MOU and for matters related to this letter, and can be reached at 202-761-4998.

Please contact Ms. Beauchamp or me if you have any questions regarding the procedures outlined above. I look forward to your reply and to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin Theriot", with a long horizontal flourish extending to the right.

Dr. Edwin Theriot
Director, Environmental Programs
Headquarters, US Army Corps of Engineers

Copies Furnished:

Mr. James Thompson, LeBoeuf, Lamb, Greene & MacRae, LLC
Mr. Christopher Clayton, Department of Energy, Office of Legacy Management
Mr. Donald Frankel, Department of Justice