

Villar, Sheryl

From: Ullrich, Elizabeth
Sent: Thursday, August 06, 2015 8:59 AM
To: Smith, Brody
Cc: Salomon, Erich; Tyson, Robert
Subject: RE: RE: Standby Trust Agreement for BMS Wallingford facility

License No. 06-27843-02
Docket No. 030-29266
Control No. 581560
ATTN: Brody D. Smith, Esq., Bond, Schoeneck & King, PLLC]
Erich Salomon, RSO, Bristol-Myers Squibb Company

Mr. Smith and Mr. Salomon,

I reviewed the following documents provided as financial assurance for the above license:

- Self-Guarantee dated June 24, 2015 submitted with a letter dated June 25, 2015;
- Letter from the CFO dated June 24, 2015, submitted with a letter dated June 25, 2015;
- Auditor's special report dated June 30, 2015, submitted with the letter dated June 25, 2014.
- originally signed Standby Trust Agreement (STA) dated June 30, 2015, that was submitted with a letter dated July 16, 2015;
- electronic copy of the STA dated June 30, 2015, that was submitted by email on July 2, 2015

I need to clarify the following information in order to complete my review:

1. The Self-Guarantee financial test did not include Item 13 from the NUREG-1757, Section A.9.5 "Model Self-Guarantee Financial Test for Commercial Companies that Issue Bonds (10 CFR Part 30, Appendix C). Item 13 asks "Does the licensee have at least one class of equity securities registered under the Securities Exchange Act of 1934?" Because this information was provided in Item 4(c) of the Self-Guarantee, no additional information is needed at this time. Please be sure to include this information in future financial tests.
2. The licensee's audited financial statement for the most recent fiscal year was not submitted. Confirm if the following link, which is publicly available, contains that information. If so, no additional information is required.
http://investor.bms.com/files/doc_financials/annual%202014/BMS-2014-Annual-Report.pdf
3. The originally signed STA dated June 30, 2015, that was submitted with a letter dated July 16, 2015, did not contain the following information:
 - a. Amount of the trustee fee on Schedule C
 - b. Specimen Certificate of Events
 - c. Specimen Certificate of Resolution

However, the electronic copy of the STA that was submitted by email July 2 did contain the Trustee fee information, the Specimen Certificate of Events, and the Specimen Certificate of Resolution. Because none of these documents require a signature, we can use the versions from the electronic STA if that is acceptable to you. Please let me know if those pages from the electronic copy may be used to supplement the originally signed STA that was submitted, or if you will send additional information.

If you need to submit additional information, you must be send an originally signed letter sent to our office; alternately, the originally signed letter may be submitted by facsimile to 610-337-5269, or scanned as a pdf document and submitted by email. If you do not need to send additional information but are only clarifying the above information, you may do that by email.

Please contact me if you have any questions,
Betsy

Betsy Ullrich, Senior Health Physicist
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From: Smith, Brody [mailto:smithb@bsk.com]
Sent: Thursday, July 02, 2015 4:07 PM
To: Ullrich, Elizabeth
Cc: Salomon, Erich; Tyson, Robert
Subject: [External_Sender] RE: Standby Trust Agreement for BMS Wallingford facility

Betsy,

Attached is a scanned version of the new standby trust agreement obtained by Bristol-Myers Squibb Company to satisfy its financial assurance obligations for radiation license number 06-27843-02. I will receive the original document next week and overnight it to you as soon as possible. Thank you for your patience throughout this process.

Best Regards,
Brody

Brody Smith

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