

Viacom Inc.
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Richard K. Smith
Vice President – Environmental Remediation

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VIACOM.

September 26, 2003

Mr. Patrick Isaac, Project Manager
Research and Test Reactors Section
New, Research and Test Reactors Program (RNRP)
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sent via e-mail and regular mail

**SUBJECT: REQUEST FOR ADDITIONAL INFORMATION TO VIACOM REGARDING
APPLICATION TO TERMINATE 10 CFR PART 50 PORTION OF
WESTINGHOUSE TEST REACTOR TR-2 LICENSE (TAC NO. MB8491),
DOCKET NO. 50-22**

Dear Mr. Isaac:

Reference is made to your Request for Additional Information (RAI) dated August 26, 2003 which was received by e-mail on August 29, 2003 and by regular mail on September 2, 2003. Our response to the RAI is attached.

Please contact me if you have any questions or need additional information.

Sincerely,



Richard K. Smith
Vice President - Environmental Remediation

Attachment

Cc: Mr. James G. Yusko
Pennsylvania Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

AGZO
Read for
process
2/12/04

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

Before me, the undersigned notary public, this day personally appeared Richard K. Smith, Vice President, Environmental Remediation, Viacom Inc., 11 Stanwix Street, Pittsburgh, PA 15222-1384, to me known, who being duly sworn according to law, deposes and says that the statements sworn to in this letter and attachment are correct and accurate to the best of his knowledge.

Richard K. Smith
Signature of Affiant

Subscribed and sworn to before me this
26th day of September, 2003

Marie A. Podvorec
Notary Public

Notarial Seal
Marie A. Podvorec, Notary Public
Pittsburgh, Allegheny County
My Commission Expires Dec. 8, 2003
Member, Pennsylvania Association of Notaries



REQUEST FOR ADDITIONAL INFORMATION
WESTINGHOUSE TEST REACTOR TR-2
DOCKET NO. 50-22

1. *In order to make the determination whether the facility license (TR-2) for the Westinghouse Test Reactor facility can be terminated, the staff would like to review the final site survey radiological data and the supporting analysis that has determined the character of the residual radioactive materials being transferred to the SNM-770 license. Please provide the survey data, results, and analysis supporting the characterization of the material to be transferred.*

As the NRC knows, Viacom has only recently received from Westinghouse Electric Company, LLC (Westinghouse) the final site survey data. Westinghouse had been withholding the data as a result of a contractual dispute. Viacom has been conducting its analysis of the data and believes it can complete the review and provide the survey data, results and analysis supporting the characterization of the material to be transferred to the NRC by October 31, 2003.

2. *In order to terminate the reactor license (TR-2) for the Westinghouse Test Reactor facility, the SNM-770 license must be amended so that the residual radioactive material can be transferred from the TR-2 license to the SNM license. Please confirm that an application to amend the SNM-770 license has been made to the NRC. If this application has not been submitted, please provide your plans and schedule for making this application.*

An application to amend the SNM-770 license has not been made to the NRC. Westinghouse, not Viacom, is the licensee for SNM-770 and Westinghouse has, to this point, refused to honor its obligation to accept the remaining TR-2 facilities onto the SNM-770 license. This dispute was the basis for Viacom's petition filed on October 30, 2002 with the NRC pursuant to 10 CFR 2.206 (Docket No. 70-698) and the Director's Decision (DD-03-02) issued on August 26, 2003. Until the various matters associated with this dispute are resolved, Viacom cannot say when Westinghouse will submit the required application. It should be noted that, as Viacom's application explains, the 10 CFR Part 50 portion of the TR-2 license may be terminated without amending SNM-770. The TR-2 license, like other facility licenses, includes both a 10 CFR Part 50 license (to possess the reactor facility) and a 10 CFR Part 30 license (to possess radioactive contamination in structures). When the Part 50 license is terminated, as the application requests, Viacom will be left with the Part 30 license. This Part 30 license can later be transferred to Westinghouse.

3. Paragraph 2 of Section 2.17 of the NRC's Safety Evaluation Report (SER) approving the TR-2 DP states the following:

"The method for determining that the WTR facility has met the decommissioning objectives and prerequisites for license termination will be an independent verification that the reactor vessel internal contents, the reactor vessel, and the biological shield have been removed. This independent verification will be performed and documented."

Please describe the method for performing this independent verification and provide the results of the verification to NRC for review.

Based on discussions with NRC personnel at the time of the work, Viacom and its contractors performing the decommissioning understood that there was agreement that the NRC's inspection and its report of that inspection would provide the required independent verification. Mr. Stephen W. Holmes, Reactor Inspector for the NRC, conducted an announced inspection on October 27-28, 1999 and January 17-20, April 19-21 and May 14-16, 2000 which is documented in the NRC Inspection Report No. 50-22/1999-202 dated September 6, 2002. As noted in the report's cover letter, ". . . this inspection documents the removal of the reactor vessel internal contents, the reactor vessel, and the biological shield . . . ". If the NRC now believes that some additional independent verification is required, Viacom would propose to have a qualified Professional Engineer review the documentation associated with the decommissioning work, inspect the current WTR facility and provide a report of the findings. Please advise if such additional independent verification is now required and, if so, whether the proposed method is satisfactory.