

KSTATE

Kansas State University

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P. Michael Whaley
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Daniel E. Hughes, Project Manager
Research and Test Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

DATE: 16 October 2007

SUBJECT: **Supplemental Information Response to September 11, 2007 Request for Additional Information and Assurance of Decommissioning Funding Re: License R-88 Renewal (TAC NO. MC9031)**

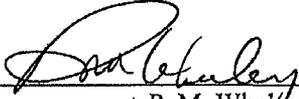
Dear Mr. Hughes:

Clarification of the Kansas State University intent to support decommissioning (when required) is attached in the form of a letter of intent from the President of Kansas State University, and the statutory relationship of Kansas State University with respect to the State of Kansas based on the legal opinion of the Kansas State University Senior Attorney.

If you have any questions or comments concerning this matter, you may contact me at 785-532-6657 or whaley@ksu.edu.

I verify under penalty of perjury that the foregoing is true and correct,

Executed on 16 October 16, 2007,


P. M. Whaley

cc: USNRC Document Control Desk



att:

Letter, J. Wefald to United States Nuclear Regulatory Commission (10/12/2007)
Letter, R. Seaton to United States Nuclear Regulatory Commission (10/12/2007)

A020

10/12/2007



United State Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Office of the President
110 Anderson Hall
Manhattan, KS 66506 -0112
785-532-6221
Fax: 785-532-7639

SUBJECT: Kansas State University License R-88/Docket 50-188 Intent to Support
Decommissioning Activities

Dear Sirs:

This concerns the ultimate decommissioning of the Kansas State University TRIGA Nuclear Reactor Facility, currently operating under the "timely renewal" provisions of Title 10, Code of Federal Regulations (CFR). Pursuant to the CFR, Title 10, Part 50, this is to assure that the University, an entity of the State of Kansas, will obtain decommissioning funds when necessary.

A request for license renewal has been submitted to the USNRC, and is expected to be approved for a 20-year term. When a decision is made to terminate the facility license and decommission the facility, the University will request legislative appropriation of funds, or otherwise provide funds sufficiently in advance of decommissioning to prevent delay of required activities.

On July 17, 1990 an estimate for decommissioning costs prepared on the basis of the methods described in the May 1989 Nuclear Regulatory Commission guide on "Assuring the Availability of Funds for Decommissioning Nuclear Reactors." The 1990 estimate has been updated to reflect current values using U.S. Department of Labor Statistics (April 17, 2007), as attached.

With assurance that I have the authority to sign this statement of intent, I am

yours truly,

Jon Wefald
President

I verify under penalty of perjury that the foregoing is true and correct.

Executed on

Oct. 12 2007

(DATE). Signed:

Att: Preliminary Cost Estimate for the DECON Option for Decommissioning the KSU TRIGA Mk II Nuclear Reactor Facility

cc:

1. USNRC, Region IV,
611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-4005.
2. USNRC, D. Hughes
Mail Stop O12-G13, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738

ATTACHMENT 1:
Preliminary Cost Estimate for the DECON Option for Decommissioning the KSU
TRIGA Mk II Nuclear Reactor Facility

Cost Category	Subcategory	Estimated Cost (2007 \$)	
		<i>Met from Budgeted Operations</i>	<i>Requiring Supplemental Appropriation</i>
Disposal of Radioactive Materials	Neutron Activated Material		\$44,505
	Contaminated Materials		\$215,651
	Decommissioning Wastes		\$39,255
	Subtotal		\$299,410
	Labor	\$245,389	\$190,249
Other Costs	Energy	\$32,274	
	Tools		\$44,484
	Supplies		\$13,061
	Subtotal	\$277,663	\$247,794
	Subtotal, Raw Estimated Costs	\$277,663	\$547,204
Contingency (25%)	\$69,416	\$136,801	
Total Estimated Costs	\$347,079	\$684,005	



Office of University Attorney
111 Anderson Hall
Manhattan, KS 66506 -0115
785-532-5730
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October 12, 2007

United States Nuclear Regulatory Commission
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Ladies and Gentlemen,

As you requested, I am happy to provide the following opinion:

1. Kansas State University is not a corporation, but rather an agency of the State of Kansas. Kansas Statutes Annotated (K. S. A.) 76-711 defines "state educational institution" to include Kansas State University. K. S. A. 76-712 provides that state educational institutions are "separate state agencies." The Tenth Circuit Court of Appeals and the United State District Court for the District of Kansas have both held that Kansas state universities are arms of the state of Kansas and thus immune from suit in the federal court under the Eleventh Amendment. Brennan v University of Kansas 451 F.2d 1287 (1971); and Ndefru v Kansas State University, 814 F Supp 54 (D. Kan. 1993).
2. The decommissioning funding obligations of Kansas State University are obligations backed and supported by the full faith and credit of the state of Kansas. K.S. A. 76-721 expressly authorizes the Kansas Board of Regents, or any state educational institution with the approval of the Board of Regents, to enter into contracts with any agency of the United States. The Board of Regents, in turn, has delegated authority to the institutions under its supervision to enter into contracts with any agency of the United States. Kansas Board of Regents Policy B.8.b. (1).(enclosed).
3. The President of Kansas State University, currently Jon Wefald, is by statute the chief executive officer of Kansas State University. K. S. A. 76-714. Under Board of Regents policy B.8.b. (4) (enclosed). the chief executive officer of the institution is specifically authorized to execute contracts on behalf of the educational institution, in this case Kansas State University. In addition, by statute, the president is authorized to administer the affairs of the institution. K.S. A. 76-725.

I hope this provides the information you are seeking. Please advise if I can be of further assistance.

United States Nuclear Regulatory Commission
October 12, 2007
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Very truly yours,

A handwritten signature in black ink, appearing to read "R. Seaton", written in a cursive style.

Richard H. Seaton
University Attorney

cc: Mo Hosni
Paul M.. Whaley