

October 31, 2007

Mr. Andrew Kauffman
The Ohio State University
Nuclear Reactor Laboratory
1298 Kinnear Road
Columbus, OH 43212-1154

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION REGARDING THE OHIO STATE
UNIVERSITY RESEARCH REACTOR APPLICATION FOR RE-LICENSING
(TAC NO. MA7724)

Dear Mr. Kauffman:

We are continuing our review of your application for re-licensing of the Ohio State University Research Reactor dated December 15, 1999, as supplemented on August 21, 2002; August 18, 2005; July 26, 2006; May 15, May 31, September 4, and September 28, 2007. During our review of your application, as supplemented, we have determined that additional information is needed. Please provide a response to the enclosed request for additional information with your response to the NRC request issued August 21, 2007. Note that item 2 of this RAI replaces item 2 of the RAI issued August 21, 2007. The NRC staff will contact you to determine an appropriate schedule for receipt of your response. In accordance with 10 CFR 50.30(b), your response must be executed in a signed original under oath or affirmation.

If you have any questions, please contact William B. Kennedy at 301-415-2784, or me at 301-415-1631.

Sincerely,

/RA/

Daniel E. Hughes, Project Manager
Research and Test Reactors Branch A
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-150
Enclosure: As stated
cc w/enclosure: See next page

Ohio State University

Docket No. 50-150

cc:

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Ohio Department of Health
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Test, Research, and Training
Reactor Newsletter
University of Florida
202 Nuclear Sciences Center
Gainesville, FL 32611

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NAME	WKennedy wbk	EHylton egh	DHughes deh	DCollins dsc
DATE	10/31/07	10/31/07	10/31/07	10/31/07

REQUESTS FOR ADDITIONAL INFORMATION
REGARDING RENEWED LICENSE FOR
THE OHIO STATE UNIVERSITY RESEARCH REACTOR
LICENSE NO. R-75, DOCKET NO. 50-150

1. Under 10 CFR 50.33(d), certain information is required by an applicant, as applicable. To complete the requirements in 10 CFR 50.33(d), please state the organizational form of the Ohio State University and provide the information that is applicable to Ohio State University. If none of the provisions of 10 CFR 50.33(d) are applicable, please so state.
2. (This RAI replaces item 2 of the NRC RAI issued August 21, 2007.) The application includes a statement of intent as the method to provide decommissioning funding assurance, as provided for by 10 CFR 50.75(e)(1)(iv). Where the applicant intends to use a statement of intent as the method to provide decommissioning funding assurance, the staff must find that the applicant "...is a Federal, State, or local government licensee..." under 50.75(e)(1)(iv). To make this finding, the applicant must state that it is a State government organization and that the decommissioning funding obligations of the applicant are backed by the State government, and also provide corroborating documentation. Further, the applicant must provide documentation verifying that the signator of the statement of intent is authorized to execute such a document that binds the applicant financially. This documentation may be a governing body resolution, management directives, or other form that provides an equivalent level of assurance.

Because the application does not include all of the above information, please submit the following:

- (a) State whether the applicant is a State of Ohio government licensee under 10 CFR 50.75(e)(1)(iv), and provide documentation that corroborates that statement.
- (b) State whether the decommissioning funding obligations for the Ohio State University Research Reactor (OSURR) are backed by the State of Ohio government. Provide documentation that corroborates that statement. For example, provide a copy of or complete citation to a state statute that expressly provides that the obligations, or at least the decommissioning funding obligations, of the Ohio State University are obligations backed or supported by the full faith and credit of the State of Ohio, or provide an opinion of the General Counsel of the Ohio State University with citations to statutes, regulations, and/or case law that the obligations, or at least the decommissioning funding obligations, of the Ohio State University are obligations backed or supported by the full faith and credit of the State of Ohio.
- (c) Provide documentation verifying that the signator of the statement of intent is authorized to execute such a document that binds the applicant financially. For example, provide a copy of a university governing board or equivalent resolution that shows that the signator of the statement of intent has been authorized by the Ohio State University to bind the Ohio State University financially, at least with respect to funding the decommissioning of the OSURR, or provide a copy of an official Ohio State University delegation of authority showing the signator of the statement of intent is authorized to bind the Ohio State University financially, at least with respect to funding the decommissioning of the OSURR.

3. In accordance with 10 CFR 50.21(c), a class 104 license will be issued for a production or utilization facility which is useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended, and which is not a facility of the type specified in 10 CFR 50.21(b) or 10 CFR 50.22. The NRC understands that the OSURR is not a facility of the type specified in 10 CFR 50.21(b). In order to satisfy the requirements of 10 CFR 50.21(c), provide a statement that the OSURR is not a facility of the type specified in 10 CFR 50.22. Specifically, provide a statement that no more than 50 percent of the annual cost of owning and operating the OSURR is devoted to the production of materials or products for sale or commercial distribution, or to the sale of services, other than research and development or education or training.