

October 9, 2009

Dr. Warren D. Reece, Director
Nuclear Science Center
Texas Engineering Experiment Station
F. E. Box 89, M/S 3575
College Station, Texas 77843

SUBJECT: TEXAS A & M UNIVERSITY - REQUEST FOR ADDITIONAL INFORMATION
REGARDING THE TEXAS A&M UNIVERSITY AGN-201M REACTOR (TAC NO.
ME1590)

Dear Dr. Reece,

I have completed a review of the documentation related to the renewal of Facility Operating License No. R-23 for your Aerojet General Nuclear Model 201M (AGN-201M) Serial No. 106 research reactor. I have a copy of the original application, dated July 22, 1997. I also have a copy of your response to the request for additional information dated September 20, 2002. Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.30(b) the information supplied in your September 20, 2002 letter is not admissible due to the lack of an Oath and Affirmation Statement.

As a result of our review of your application we have identified areas where we require additional information. The questions are included as an enclosure to this letter.

When responding to this letter, please let us know your ability to respond to issues for both the TRIGA and the AGN-201M reactors. We request that you provide either responses or a schedule to respond to the enclosed request for additional information within 30 days of the date of this letter. You must execute your response in a signed original under oath of affirmation according to 10 CFR 50.30(b), and send it to: ATTN: Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 per 10 CFR 50.4. While waiting for the receipt of the additional information, we will continue our review of other documents covered by your license renewal amendment request, and the preparation of NRC documents required to renew your license.

If you have any questions regarding this review, please contact either me at (301) 415-1058 or Paul.Doyle@nrc.gov, or William Schuster at (301) 415-3934, or William.Schuster@nrc.gov.

Sincerely

/RA/

Paul V. Doyle Jr., Project Manager
Research and Test Reactors Branch A
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No: 50-059
Enclosures: As Stated
Dr. Warren D. Reece, Director
Nuclear Science Center

October 9, 2009

Texas Engineering Experiment Station
F. E. Box 89, M/S 3575
College Station, Texas 77843

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Paul V. Doyle Jr., Project Manager
Research and Test Reactors Branch A
Division of Policy and Rulemaking
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Docket No: 50-059

Enclosures: As Stated

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ACCESSION NO: ML092740531

TEMPLATE #: NRR-088

OFFICE	PRTA:PM		PRTA:PM		PFPB		PRTA:LA		PRTA:BC		PRTA:PM	
NAME	PDoyle		WSchuster		JSimpson		GLappert		KBrock		PDoyle	
DATE	08/29/2009		10/2/2009		10/6/2009		10/7/2009		10/8/2009		10/9/2009	

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OFFICE OF NUCLEAR REACTOR REGULATION
REQUEST FOR ADDITIONAL INFORMATION
TEXAS A&M UNIVERSITY
AGN-201M REACTOR
DOCKET NO. 50-059

This license renewal application has been in process for over 12 years and there is an issue whether the U. S. Nuclear Regulatory Commission (NRC) has the latest copies of key documents (e.g. the Emergency Plan). The NRC has copies of the Emergency Plans dated September 1984, May, 1997 and October 28, 1998. The NRC also has copies of replacement pages for the Emergency Plan, which are not dated but rather forwarded to the NRC with the September 2002 facility response to the May 22, 1998 request for additional information. Only the initial plan was sent with an oath and affirmation statement. Please provide the following documents related to the Texas A&M University AGN-201M research reactor.

- A. **License Renewal Application Documentation** – Please provide copies of the latest locally (facility management) approved Security Plan, Emergency Plan, Technical Specifications, Operator Licensing Requalification Plan, and Safety Analysis Report. Please note that if any of these documents are unchanged since the original application, you should denote that in your response rather than providing another copy of a document already on record.
- B. **Technical Specification Required Documentation** – Please provide copies of the Annual Reports for 2006 through 2009.
- C. **Financial Qualifications** – Pursuant to 10 CFR 50.33(f)(2), “applicants to renew or extend the term of an operating license for a nonpower reactor shall include financial information that is required for an initial license.” To comply with this requirement, please provide the following updated and supplemental information to the July 22, 1997, Texas A&M University (TAMU, the applicant) application (the application) for a renewed license for the Texas A&M University AGN Reactor (TAMU AGN).
 - 1. Under 10 CFR 50.33(d) certain information is required by the applicant, TAMU, as applicable. The application states that TAMU “is a state supported educational institution.” For the staff to complete its review of the application, the following additional information must be submitted:
 - (a) To comply with 10 CFR 50.33(d), please update the application to 2009 by including a statement of organizational form of TAMU (e.g., agency of the State of Texas, or separate corporation).
 - (b) A statement as to whether TAMU is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and if so give details.
 - (c) If applicable, a statement that none of the provisions of 10 CFR 50.33(d) apply.

2. The staff will analyze the financial statements for the current year, which are required by 10 CFR 50.71(b), to determine if the applicant is financially qualified to operate the TAMU AGN. Since TAMU's financial statements submitted with the application in 1997 are now out of date, please provide a copy of the latest financial statements.
3. Pursuant to 10 CFR 50.33(f)(2), "The applicant shall submit estimates for total annual operating costs for each of the first five years of operation of the facility." Since the information included in the application is now out of date, please provide the following additional information:
 - (a) Provide the estimated operating costs for the TAMU AGN for each of the years FY 2011 thru FY2015 (the first five-year period after the projected license renewal date).
 - (b) Confirm if TAMU's primary source of funding to cover the operating costs for the above fiscal years will be funded directly by the Department of Nuclear Engineering as identified in the application.
4. The application states that the "decontamination and decommissioning effort will be in a range of \$40,000 to \$50,000 (1990)" based on a cost given by Chem-Nuclear Systems, Inc., (Letter dated July 9, 1990, from Chem-Nuclear Systems, Inc. to Texas A&M University). In order for the staff to complete its review of the decommissioning cost estimate, please update the application by including the following information:
 - (a) To comply with 10 CFR 50.75(d)(2), provide a current decommissioning cost estimate (2009 dollars) for the TAMU AGN to meet the NRC's radiological release criteria for decommissioning the facility for unrestricted use; describe the basis on how the cost estimate was developed; show costs specifically broken down into the categories of labor, waste disposal; other items (such as energy, equipment, and supplies); and include a contingency factor of at least 25%.
 - (b) State the decommissioning method to be used (e.g., DECON or other method).
 - (c) To comply with 10 CFR 50.75(d)(2)(iii), the applicant must "provide a description of the means of adjusting the cost estimate and associated funding level periodically over the life of the facility." Since the application does not provide this information, please update the application to include a full description of the method to be used as the means of adjusting the cost estimate and associated funding level periodically over the life of the facility.
 - (d) Provide a numerical example showing how the 2009 decommissioning cost estimate will be updated periodically in the future.

5. The application includes a statement of intent (SOI) as the chosen method to provide financial assurance for the TAMU AGN (SOI dated July 19, 1990). If the applicant intends to use a SOI as the method to provide decommissioning funding assurance, as provided for by 10 CFR 50.75(e)(1)(iv), the staff must find that the applicant "...is a Federal, State, or local government licensee..." 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 said document that binds the applicant. This document may be a governing body resolution, management directives, or other form that provides an equivalent level of assurance. As the application does not include all of the above information, please submit the following:
 - (a) An updated SOI, which includes: the date of submittal of the SOI; the current cost (2009 dollars) estimate for decommissioning; a statement that funds for decommissioning will be obtained when necessary; typed name and title of signator; original signature of the signator; and the signator's oath or affirmation attesting to the information.
 - (b) Documentation that corroborates the statement in the application that TAMU is a State agency and State of Texas government licensee under 10 CFR 50.75(e)(2)(iv).
 - (c) A statement as to whether the decommissioning funding obligations for the TAMU AGN are backed by the State of Texas government. The application must also present information that corroborates this statement. For example, the documentation may be 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 applicant are obligations backed or supported by the full faith and credit of the State of Texas, or an opinion of the applicant's General Counsel with citations to statutes, regulations, and/or case law that the obligations, or at least with respect to the decommissioning funding obligations, of the applicant are obligations backed or supported by the full faith and credit of the State of Texas.
 - (d) Documentation verifying that the signator of the SOI is authorized to execute such a document that binds the applicant financially. For example, provide a copy of TAMU's governing board or equivalent resolution that shows that the signator of the SOI has been authorized by TAMU to bind TAMU financially, at least with respect to funding the decommissioning of the TAMU AGN, or provide a copy of an official State of Texas delegation of authority showing that the signator of the SOI is authorized to bind TAMU financially, at least with respect to funding the decommissioning of the TAMU AGN.

Texas A&M University

Docket No. 50-59

cc:

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College Station, TX 77840-3575

Governor's Budget and
Planning Office
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Test, Research, and Training
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