

December 9, 2009

Dr. Donald Wall, Director
Nuclear Radiation Center
Washington State University
PO Box 641300
Pullman, WA 99164-1300

SUBJECT: WASHINGTON STATE UNIVERSITY - REQUEST FOR ADDITIONAL
INFORMATION REGARDING THE WASHINGTON STATE UNIVERSITY TRIGA
REACTOR LICENSE RENEWAL (TAC NO. ME1589)

Dear Dr. Wall:

The U.S. Nuclear Regulatory Commission is continuing the review of your application for renewal of Facility Operating License No. R-76 for the Washington State University TRIGA Reactor dated June 24, 2002. During our review, questions have arisen for which we require additional information and clarification. Please provide responses to the enclosed requests for additional information within 60 days after the date of this letter. In accordance with Title 10 of the *Code of Federal Regulations* Part 50.30(b), your response must be executed in a signed original under oath or affirmation.

If you have any questions regarding this review, or need additional time to respond to this request, please contact me at 301-415-0894 or by electronic mail at: francis.dimeglio@nrc.gov.

Sincerely,

/RA by Kathryn M. Brock For/
A. Francis DiMeglio, Project Manager
Research and Test Reactors Branch A
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-27

License No. R-76

Enclosure:

1. Request for Additional Information

cc w/encl: See next page

Washington State University

Docket No. 50-27

cc:

Dr. Kenneth Nash
Chair, Reactor Safeguards Committee
Nuclear Radiation Center
Washington State University
P.O. Box 641300
Pullman, WA 99164 - 1300

Mr. C. Corey Hines
Reactor Supervisor, Nuclear Radiation Center
Washington State University
P.O. Box 641300
Pullman, WA 99164 - 1300

Mr. David Clark
Director, Radiation Safety Office
Washington State University
P.O. Box 641302
Pullman, WA 99163-1302

Director
Division of Radiation Protection
Department of Health
7171 Cleanwater Lane, Bldg #5
P.O. Box 47827
Olympia, WA 98504-7827

Office of the Governor
Executive Policy Division
State Liaisons Officer
P.O. Box 43113
Olympia, WA 98504-3113

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

December 9, 2009

Dr. Donald Wall, Director
Nuclear Radiation Center
Washington State University
PO Box 641300
Pullman, WA 99164-1300

SUBJECT: WASHINGTON STATE UNIVERSITY - REQUEST FOR ADDITIONAL
INFORMATION REGARDING THE WASHINGTON STATE UNIVERSITY TRIGA
REACTOR LICENSE RENEWAL (TAC NO. ME1589)

Dear Dr. Wall:

The U.S. Nuclear Regulatory Commission is continuing the review of your application for renewal of Facility Operating License No. R-76 for the Washington State University TRIGA Reactor dated June 24, 2002. During our review, questions have arisen for which we require additional information and clarification. Please provide responses to the enclosed requests for additional information within 60 days after the date of this letter. In accordance with Title 10 of the *Code of Federal Regulations* Part 50.30(b), your response must be executed in a signed original under oath or affirmation.

If you have any questions regarding this review, or need additional time to respond to this request, please contact me at 301-415-0894 or by electronic mail at: francis.dimeglio@nrc.gov.

Sincerely,

/RA by Kathryn M. Brock For/
A. Francis DiMeglio, Project Manager
Research and Test Reactors Branch A
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-27

License No. R-76

Enclosure:

1. Request for Additional Information

cc w/encl: See next page

DISTRIBUTION:

PUBLIC DPR/PRT r/f RidsNrrDpr RidsNrrDprPrta
RidsNrrDprPrtb AFDiMeglio, NRR GLappert, NRR JSimpson, NRR

ACCESSION NO.:ML093380794

* VIA E-MAIL

NRR-088

Office	PRTA:PM *	PRTA:LA	PFPB *	PRTA:BC
Name	AFDiMeglio	GLappert	JSimpson	KBrock
Date	12/4/09	12/8/09	12/8/09	12/9/09

Official Record Copy

ENCLOSURE

OFFICE OF NUCLEAR REACTOR REGULATION
REQUEST FOR ADDITIONAL INFORMATION
REGARDING FINANCIAL QUALIFICATIONS FOR THE RENEWED LICENSE FOR
THE WASHINGTON STATE UNIVERSITY TRIGA REACTOR
LICENSE NO. R-76
DOCKET NO. 50-27

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.33(f)(2), "Applicants to renew or extend the term of an operating license for a nonpower reactor shall include the financial information that is required in an application for an initial license." To comply with this requirement, please provide the following updated and supplemental information to the June 24, 2002, Washington State University (WSU) application (the application) for a renewed license for the WSU TRIGA Reactor (WSU TRIGA).

1. The U. S. Nuclear Regulatory Commission (NRC) 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 WSU TRIGA. Since WSU's financial statements are currently out of date, please provide a copy of the latest financial statements for the NRC staff's review.
2. Pursuant to 10 CFR 50.33(f)(2), "[t]he 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 for the WSU TRIGA is now out of date, please provide the following additional information:
 - (a) The estimated operating costs for the WSU TRIGA for each of the fiscal years (FY) 2012 through FY2016 (the first five year period after the projected license renewal).
 - (b) WSU's source(s) of funding to cover the operating costs for the above fiscal years (e.g., state-funded budget, etc.).
3. The application references a decommissioning cost estimate developed by the Nuclear Division of Westinghouse Electric Corporation in 1989. The application states that "The 2000 inflation adjusted decommissioning costs are estimated to be \$4,994,615," and will be adjusted for inflation using the consumer price index. In order for the NRC staff to complete its review of the decommissioning cost estimate, please update the application by including the following additional information:
 - (a) A current decommissioning cost estimate (2011 dollars) for the WSU TRIGA to meet the NRC's radiological release criteria for decommissioning the facility for unrestricted use to comply with 10 CFR 50.75(d)(2). Accordingly, describe the basis on how the cost estimate was developed (if the 1989 Nuclear Division of

ENCLOSURE

Westinghouse Electric Corporation estimate is still the basis for the cost estimate, please so state), show costs specifically broken down into categories of labor, waste disposal, other items (such as energy, equipment, and supplies), and include a contingency factor of at least 25 percent.

- (b) A statement of the decommissioning method to be used (e.g., DECON, SAFSTOR, or other method).
 - (c) A description of the means of adjusting the cost estimate and associated funding level periodically over the life of the facility, to comply with 10 CFR 50.75(d)(2)(ii). Since the application states that the cost "will be adjusted for inflation by the consumer price index," confirm whether that is still the means of adjusting the WSU TRIGA's cost estimate and associated funding level over the life of the facility. If the consumer price index (CPI) is still the means of adjusting the cost estimate, provide a full identification of the specific U.S. Bureau of Labor Statistics CPI to be used (e.g., Producer Price Index, etc.). Also, please provide a detailed numerical example updating the 2011 decommissioning cost estimate.
4. The applicant indicates that "...the Funds needed for decommissioning will be requested from the Washington State Legislature if and when a decision to decommission the WSU reactor facility is made." Where the applicant intends to use a statement of intent (SOI) as the method to provide decommissioning funding assurance, as provided for by 10 CFR 50.75(e)(1)(iv), the NRC 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 the submittal of the SOI; the current (2011 dollars) cost estimate for decommissioning; a statement that funds for decommissioning will be obtained when necessary; typed name and title of the signator, and 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 WSU is a State agency and a State of Washington government licensee under 10 CFR 50.75(e)(2)(iv).
 - (c) A statement as to whether the decommissioning funding obligations for the WSU TRIGA are backed by the State of Washington 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 Washington, 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 Washington.

- (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 WSU's governing board or equivalent resolution that shows that the signator of the SOI has been authorized by WSU to bind WSU financially, at least with respect to funding the decommissioning of the WSU TRIGA, or provide a copy of an official WSU delegation of authority showing that the signator of the SOI is authorized to bind WSU financially, at least with respect to funding the decommissioning of the WSU TRIGA.