

May 24, 2010

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Reference: Washington State University
Docket No. 50-27, License No. R-76

Subject: Response to: WASHINGTON STATE UNIVERSITY — REQUEST FOR
ADDITIONAL INFORMATION REGARDING THE WASHINGTON STATE
UNIVERSITY TRIGA REACTOR LICENSE RENEWAL (TAC NO. ME1589)

Washington State University (WSU) has applied to renew operating License Number R-76 (Docket number 50-27). As part of the license renewal process, the U.S. Nuclear Regulatory Commission has submitted a Request for Additional Information (RAI) to Washington State University in a letter dated December 9, 2009. The RAI subject matter regarding financial qualifications consisted of four questions with affiliated subparts. Washington State University provided responses to RAI numbers 1, 2 and 3, in a letter to the U.S. NRC, dated April 7, 2010, and provided supplemental information in a letter dated May 3, 2010. The present letter (May 24, 2010) provides responses to Request for Additional Information Part 4 of the U.S. NRC RAI of December 9, 2009. The texts of the questions in RAI Part 4 are reproduced below, along with the respective answers.

The WSU Board of Regents met on May 6 and 7 of 2010, at which time it was decided to approve a Statement of Intent to request funds sufficient to cover the cost of decommissioning the WSU TRIGA research reactor when decommissioning is initiated. A copy of the Board of Regents Action Item #7, wherein the proposed Statement of Intent was presented and discussed is included as an attachment to this letter.

The text of RAI 4 from the U.S. NRC letter of December 9, 2009 is reproduced below, along with the response of WSU.

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.

Response to RAI 4.a.

A Statement of Intent (SOI) is included with this letter. The SOI was signed by Washington State University President Elson S. Floyd on May 11, 2010.

Response to RAI 4.b.

Attached with this letter is a Memorandum dated May 10, 2010 from Sharyl Kammerzell, Senior Assistant Attorney General of the Washington State University Division, to Elson S. Floyd, President of Washington State University and Howard D. Grimes, Vice President of the Office of Research and Dean of the Graduate School. The Memorandum cites relevant sections in the Constitution of the State of Washington and the Revised Code of Washington that corroborates the status of Washington State University and summarizes the Board of Regents authority for governance of Washington State University.

Response to RAI 4.c

The WSU Board of Regents promulgated Resolution 100507-385 on May 7, 2010. The resolution authorizes the Statement of Intent, including authorization to request funds from the State of Washington in an amount sufficient to cover the costs of decommissioning when decommissioning is initiated. Resolution 100507-385 is included as an attachment to this letter.

Response to RAI 4.d.

WSU Board of Regents Resolution 100507-385 delegates authority to the President of WSU or his designee to issue and sign a Statement of Intent. The authority for the Board of Regents for governance of Washington State University is documented in the May 10, 2010 Memorandum from Kammerzell to Floyd and to Grimes, as described in the response to RAI 4.b.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Date executed 5/24/2010

Respectfully Submitted

Donald Wall

Donald Wall, Ph.D.
Director

Attachments

cc Region IV Office
 Linh Tran

May 24, 2010

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Reference: Washington State University
Docket No. 50-27, License No. R-76

Subject: Response to: WASHINGTON STATE UNIVERSITY — REQUEST FOR
ADDITIONAL INFORMATION REGARDING THE WASHINGTON STATE
UNIVERSITY TRIGA REACTOR LICENSE RENEWAL (TAC NO. ME1589)

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The WSU Board of Regents met on May 6 and 7 of 2010, at which time it was decided to approve a Statement of Intent to request funds sufficient to cover the cost of decommissioning the WSU TRIGA research reactor when decommissioning is initiated. A copy of the Board of Regents Action Item #7, wherein the proposed Statement of Intent was presented and discussed is included as an attachment to this letter.

The text of RAI 4 from the U.S. NRC letter of December 9, 2009 is reproduced below, along with the response of WSU.

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

May 11, 2010

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

RE: Washington State University Modified TRIGA Nuclear Reactor
Facility Operating License R-76
Financial Assurance

STATEMENT OF INTENT

The Washington State University Board of Regents has authority and responsibility to request from the State of Washington funds for decommissioning activities associated with operations authorized by the U.S. Nuclear Regulatory Commission Facility Operating License R-76 for the Washington State University Modified TRIGA Nuclear Reactor. This authority is authorized by statute, and by statute this authority may be delegated.

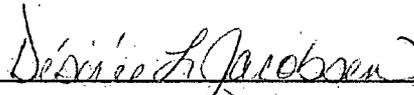
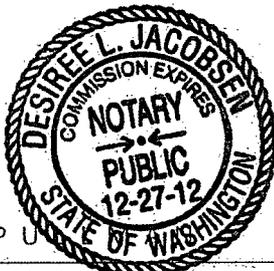
Within this authority, and as authorized in the attached resolution of the Board of Regents, Washington State University, through its Board of Regents or designee, intends to request that funds be made available in an amount sufficient to cover the cost of decommissioning when decommissioning is initiated. The current estimated cost of decommissioning is \$12-\$14.6 million. WSU further intends to seek and obtain such funds sufficiently in advance of decommissioning to prevent delay of required activities.



Elson S. Floyd, Ph.D.
President

State of Washington)
County of Whitman)^{ss.}

Signed and sworn to (or affirmed) before me this 11th day of May, 2010, by Elson S. Floyd.



Printed Name: Desiree L. Jacobsen
Notary Public in and for the state of Washington.
My appointment expires: 12-27-12

BOARD OF REGENTS

WSU Pullman, Renewal of Facility License for the Nuclear Reactor

Resolution #100507-385

Authorization of Statement of Intent for Renewal of Facility License No. R-76 for the Washington State University Modified TRIGA Nuclear Reactor

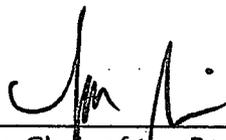
WHEREAS, the Board of Regents of Washington State University, by virtue of RCW 28B.10.528, has authority to delegate by resolution to the President of the University, or designee, powers and duties vested in or imposed upon the Board by law and to enable the President or designee to act on behalf of the Board of Regents in matters relating to the administration and governance of the University; and

WHEREAS, the Board of Regents is vested with the management of WSU, is responsible for the budget of WSU, and is authorized to request funding for WSU from the state legislature, by virtue of RCW 28B.30 and as elsewhere provided in statutory authority;

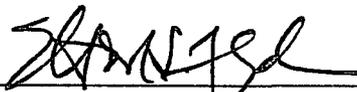
NOW, THEREFORE, BE IT RESOLVED that the Board of Regents hereby authorizes a Statement of Intent, in support of the application for renewal of Facility License No. R-76 for the Modified TRIGA Nuclear Reactor, located on the Pullman, Washington campus of Washington State University; the Statement of Intent shall set out the intent to request funds from the State of Washington for decommissioning activities associated with License No. R-76, when decommissioning is initiated and in an amount sufficient to cover the costs of decommissioning, currently estimated to be \$12 -\$14.6 million, and to request the funds sufficiently in advance of decommissioning to prevent the delay of required activities, and

BE IT FURTHER RESOLVED that the Board of Regents delegate authority to the President or his designee to issue and sign the Statement of Intent for the application for extension of License No. R-76.

Dated this 7th day of May, 2010.



Vice Chair of the Board of Regents



Secretary to the Board of Regents



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

Washington State University Division

332 French Administration Bldg. • P.O. Box 641031 • Pullman, WA 99164-1031

Telephone: (509) 335-2636 • Facsimile: (509) 335-1663

MEMORANDUM

DATE: May 10, 2010
TO: Elson S. Floyd, President
Office of the President
AND TO: Howard D. Grimes, Vice President and Dean
Office of Research and the Graduate School
FROM: Sharyl Kammerzell, Senior Assistant Attorney General
Washington State University Division
SUBJECT: **Powers and Duties of the Board of Regents**

As requested in support of the renewal application for Facility License R-76 for the Washington State University Modified TRIGA Nuclear Reactor, this memorandum summarizes the Board of Regents' (Board) authority for governance of Washington State University.

The Constitution of the State of Washington provides that Washington State University, as a state educational institution shall be fostered and supported by the state, subject to such regulations as may be provided by law, and that the governing board shall be appointed by the Governor. Wash. Const. art. XIII, § 1. The Board's authority, and higher education statutory authority in general, is set out in Title 28B of the Revised Code of Washington (RCW). <http://apps.leg.wa.gov/rcw/default.aspx?Cite=28B>. Within Title 28B, chapters 28B.10 ("Colleges and universities generally") and 28B.30 ("Washington State University") are the primary source of authority. In addition, chapter 28B.15 ("College and university fees") sets out authority and obligations with respect to fees, and there are several chapters that relate to specific bond issues. See generally, RCW 28B.13 – 28B.14H).

Chapter 28B.10 sets out duties and obligations applicable to all higher education boards. WSU is one of the two defined "State universities" within Washington. RCW 28B.10.016(1). General duties and obligations addressed in chapter 28B.10 include, but are not limited to: acquisition of property; authority to enter into financing contracts; fees; acquisition, construction, equipping and betterment of lands, buildings and facilities; regent appointment, removal, and delegation; legal representation; police forces for universities; and capital improvements and bond issues. <http://apps.leg.wa.gov/rcw/default.aspx?cite=28B.10>

The powers and duties of higher education boards in RCW 28B.10 are augmented by those powers and duties specific to the WSU Board of Regents, which are set out in RCW 28B.30. General operating powers and duties of the Board are set out in RCW 28B.30.150, which states:

ATTORNEY GENERAL OF WASHINGTON

President Floyd
May 10, 2010
Page 2

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds, except as otherwise provided by law.

(2) Employ the president of the university, his or her assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.76.290(2). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools, or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(6) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.

(7) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(8) Provide for holding agricultural institutes including farm marketing forums.

(9) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(10) Provide training in military tactics for those students electing to participate therein.

(11) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing, and land surveying.

(12) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms

ATTORNEY GENERAL OF WASHINGTON

President Floyd
May 10, 2010
Page 3

of animal life and in particular of the horse, cow, sheep, and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(13) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(14) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(15) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art, or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(16) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities, or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under rules established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(17) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(18) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(19) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(21) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization

ATTORNEY GENERAL OF WASHINGTON

President Floyd
May 10, 2010
Page 4

of fruit byproducts, and general development of agriculture under irrigation conditions.

(22) Supervise and control the agricultural experiment station at Puyallup.

(23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, by-products, marketing, management, and general horticultural problems.

(24) Accept such gifts, grants, conveyances, devises, and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools, or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests, and devises; and adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests, and devises.

(25) Construct when the board so determines a new foundry and a mining, physical, technological building, and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics, and similar fields.

(26) make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

The above provisions provide the source of primary authority for the Board. The Board may, by resolution, delegate to the president or his designee any of the powers and duties vested in or imposed upon the Board. RCW 28B.10.528. Except in regards to the renewal application for Facility License R-76, this memorandum does not examine the powers and duties that the Board has delegated; a record of all delegations is maintained by the Board's staff. In support of the renewal application for Facility License R-76, the Board has authorized a Statement of Intent to request decommissioning funding from the State of Washington, and further delegated authority to the President to sign the Statement of Intent.

Please contact me if you have questions regarding this summary or if you would like me to provide additional information.

rmh

May 11, 2010

MEMORANDUM

TO: Greg Royer, Vice President for Business and Finance
✓Howard Grimes, Vice President for Research and Dean of the Graduate School

FROM: Christine R. Hoyt 
Executive Assistant to the President and Board of Regents

SUBJECT: WSU Pullman, Renewal of Facility License for the Nuclear Reactor

This memo is to confirm that at the May 7, 2010, Board of Regents meeting, the Regents authorized a Statement of Intent in support of the application for renewal of Facility License No. R-76 for the Modified TRIGA Nuclear Reactor, located on the Pullman, Washington, campus of Washington State University. The Board also delegated authority to the President or his designee to issue and sign the Statement of Intent for the application for extension of License No. R-76.

CRH:bsl

Attachment

cc: Sharyl Kammerzell

ACTION ITEM #7

WSU Pullman, Renewal of Facility License for the Nuclear Reactor (Greg Royer/Howard Grimes)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Pullman, Statement of Intent in Support of Renewal of Facility Operating License R-76 for the Modified TRIGA Nuclear Reactor from the United States Nuclear Regulatory Commission

PROPOSED: That the Board of Regents authorize a Statement of Intent in support of the application for renewal of Facility License No. R-76 for the Modified TRIGA Nuclear Reactor, located on the Pullman, Washington, campus of Washington State University, and further, that the Board of Regents delegate authority to the President or his designee to issue and sign the Statement of Intent for the application for extension of License No. R-76.

SUBMITTED BY: Greg Royer, Vice President for Business and Finance
Howard Grimes, Vice President for Research and Dean of the Graduate School

SUPPORTING

INFORMATION: WSU's TRIGA Nuclear Reactor is required to be licensed by the United States Nuclear Regulatory Commission. WSU is seeking to renew its current license for a twenty-year term. Federal regulations require license applicants to provide reasonable assurance that funds will be available for the eventual decommissioning process. 10 C.F.R. § 50.75. As a state government licensee, WSU may satisfy this requirement with a Statement of Intent to request the funds from the state when necessary. 10 C.F.R. § 50.75(e)(2)(iv).

The Statement of Intent provides that WSU will request funds from the state of Washington for decommissioning activities associated with License No. R-76. The amount of the funds requested will be sufficient to cover the costs of decommissioning, and will be requested sufficiently in advance of decommissioning to prevent the delay of required activities.

A cost estimate for decommissioning the TRIGA reactor was prepared by the Nuclear and Advanced Technology Division of the Westinghouse Electric Corporation in 1989. The current cost

estimate, based on the previous estimate and adjusted to the present dollar, is \$12 to \$14.6 million.