

November 4, 2010

Mr. Mitchell S. Galanek
Campus Radiation Protection Officer
Massachusetts Institute of Technology
77 Massachusetts Avenue
Room N52-496
Cambridge, MA 02139

SUBJECT: NON-ACCEPTANCE OF MASSACHUSETTS INSTITUTE OF TECHNOLOGY'S
APPLICATION TO AMEND SPECIAL NUCLEAR MATERIALS LICENSE SNM-986
(TAC NO. L32992)

Dear Mr. Galanek:

By letter dated August 4, 2010, Massachusetts Institute of Technology submitted to the U.S. Nuclear Regulatory Commission (NRC) an application for an amendment of Special Nuclear Materials (SNM) License SNM-986. The amendment requested an increase in the possession limits of the license to include a quantity of Category II material of Moderate Strategic Significance. Your request has been assigned TAC No. L32992.

The NRC conducted a preliminary review of your application and determined that the application does not contain the information required by Title 10 of the *Code of Federal Regulations* (10 CFR) 70.22 to enable an adequate safety review for the quantity of material to be added to your license. Accordingly, the NRC has not accepted your amendment request for formal review. The NRC's acceptance of your substandard request would impact efforts to maintain effective and timely licensing reviews because of the potential for multiple requests for additional information while you refine the submittal.

You may resubmit the application after correcting the deficiencies identified below. I am available to discuss the criteria required to assure that the next application will be adequate for NRC's review.

A summary of the NRC's concerns resulting from its review of the above-referenced application is as follows. A Category II quantity of material of Moderate Strategic Significance carries additional requirements not provided for in your current special nuclear material license. These include:

- a. physical security for the material,
- b. transportation security between facilities, and
- c. material control and accounting of SNM.

In accordance with 10 CFR, Section 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room and the Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

M. Galanek

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If you have any questions regarding this matter, please contact Richard Thompson at 301-492-3220 or via e-mail at Richard.Thompson@nrc.gov. Please reference the above TAC Number in future correspondence related to this request.

Sincerely,

/RA/

Richard D. Thompson, Project Manager
Fuel Manufacturing Branch
Fuel Facility Licensing Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-938
License No. SNM-986

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