

*SCD/SCS*

JAN 30 1991

University of Notre Dame  
ATTN: James J. Lyphout  
Assoc. Vice President for  
Business Affairs  
Notre Dame, IN 46556

Gentlemen:

SUBJECT: DEMAND FOR INFORMATION LETTER DATED NOVEMBER 2, 1990  
AND YOUR RESPONSE DATED NOVEMBER 6, 1990

We have reviewed your response dated November 6, 1990 and your License No. SUD-197 and agree with your conclusion that you are in compliance with 10 CFR Part 40.36, "Financial Assurance and Recordkeeping for Decommissioning".

You need not take any further action in this matter. If you have any questions, please call us at (708) 790-5625.

Sincerely,

Original Signed By  
G. M. McCann, Chief  
Materials Licensing Section

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University of Notre Dame  
Notre Dame, Indiana 46556

Associate Vice-President - Business Affairs

Telephone 219 239-6646

November 6, 1990

Mr. A. Bert Davis  
US Nuclear Regulatory Commission  
Region III  
799 Roosevelt Road  
Glen Ellyn, IL 60137

RE: Docket No. 04002674  
License No. SUD-197



Dear Mr. Davis:

As stated in your letter of November 2, 1990, the University of Notre Dame is required to comply with 10 CFR 40.36 of the NRC regulations, which requires licensees with quantities of licensed materials that they are authorized to possess, to submit a decommissioning funding plan or a certificate that financial assurance for decommissioning has been provided. You indicate that the University has not submitted a response to this requirement and therefore, appear to be in violation of 10 CFR 40.36.

When reviewing this regulation, the University determined that they would not be subject to the regulation based on the type, form and quantity of material authorized. This determination was confirmed by Patricia J. Pelke, USNRC Materials Licensing Section, in her letter of August 14, 1990, which authorized renewal of our NRC License No. SUD-197.

Enclosed is a copy of Ms. Pelke's letter for your review. As indicated in this letter, the University is not exempt from record keeping requirements relative to information which the Nuclear Regulatory Commission considers important to decommissioning. Therefore, the University is maintaining records as set forth in Section 40.36(f).

Based on this information, it is the University of Notre Dame's belief that they are in compliance with 10 CFR 40.36. If it is the NRC's opinion that the University is still in non-compliance and must comply fully with 10 CFR 40.36, please contact us. Otherwise, we will assume this letter is an adequate response to your letter of November 2, 1990.

If we can answer any questions or provide any additional information, please let us know.

Sincerely,

James J. Lyphout  
Associate Vice-President  
for Business Affairs

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Enclosures

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
788 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

AUG 14 1990

University of Notre Dame  
ATTN: Mr. James Lyphout  
Associate Vice President  
for Business Affairs  
Notre Dame, Indiana 46556

Gentlemen:

Enclosed is Amendment No. 07 renewing your NRC License No. SUD-197 in accordance with your request.

On June 27, 1988, the Commission established regulations for decommissioning licensed nuclear facilities. The regulations address decommissioning planning need, timing, funding methods, etc. The intent of the regulations is to ensure that the decommissioning of all licensed facilities will be accomplished in a safe and timely manner, and that licensee's will provide adequate funds to cover all costs associated with decommissioning. According to 10 CFR 40.36 (enclosed), financial assurance requirements for a Part 40 licensee are based upon the type, form, and quantity of material authorized on the license.

After review of your license, we have determined that the type, form, and quantity of material authorized does not warrant the development and submittal of a decommissioning funding plan, or certification of financial assurance as described in 10 CFR 40.36 (enclosed). However, this does not relieve you of record keeping requirements relative to information which the Commission considers important to decommissioning. Therefore, we have added License Condition 13, requiring that you maintain such records as set forth in Section 40.36(f).

Please review your license carefully to assure that you understand and are in compliance with the terms and conditions contained therein. If you have questions, please contact our office at (708) 790-5625.

Please review the enclosed document carefully and be sure that you understand all conditions. You must conduct your program involving radioactive materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.

OFFICE OF  
VICE PRESIDENT

AUG 30 1990

BUSINESS AFFAIRS

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