

October 21, 2005

Dr. Weldon Jackson, Provost
Manhattan College
Manhattan College Parkway
Riverdale, NY 10471-4098

SUBJECT: TERMINATION OF FACILITY OPERATING LICENSE NO. R-94 FOR THE
MANHATTAN COLLEGE ZERO POWER REACTOR (MCZPR)
(TAC NO. MC5527)

Dear Dr. Jackson:

The U.S. Nuclear Regulatory Commission (NRC) has reviewed Manhattan College's (MC's) request dated February 3, 2005, to terminate Facility Operating License No. R-94. Pursuant to 10 CFR 50.82(b)(6), the NRC staff has concluded that the terminal radiation survey and associated documentation demonstrate that decommissioning has been performed and that the facility and site meet the criteria for release in accordance with the NRC-approved Manhattan College Zero Power Reactor (MCZPR) decommissioning plan (DP) submitted on December 18, 1997, and amended on July 21, October 29, and November 10, 1998, and January 6, 1999.

In December 2004, NRC completed its review of the final status survey report (FSSR) for the Reactor Facility Manhattan College School of Engineering, which was submitted to NRC by letter dated February 3, 2005. The report documented the level of residual radioactivity at the facility and stated that compliance with the criteria in the NRC-approved DP had been demonstrated.

NRC concludes that the decommissioning process is complete and that the facility and site may be released for unrestricted use on the basis of the decommissioning activities conducted by MC, the NRC's review of your FSSR, the results of NRC's inspections at MCZPR, and the results of NRC's confirmatory survey. Therefore, Facility Operating License No. R-94 is hereby terminated.

In connection with the license termination, we are enclosing two copies of Amendment No. 13 to Indemnity Agreement No. E-41 (Enclosure 1). Please sign and return one copy to this office.

Dr. W. Jackson

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Also enclosed is a copy of the Notice of Approval of Decommissioning Plan and Notice of License Termination, which will be sent to the Office of the Federal Register for publication (Enclosure 2).

Sincerely,

/RA/

Brian E. Thomas, Section Chief
Research and Test Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 50-199

Enclosures: 1. Amendment No. 13 to
Indemnity Agreement No. E-41
2. *Federal Register* Notice

cc w/enclosures: See next page

Manhattan College

Docket No. 50-199

cc:

Municipal Reference and Research Center
31 Chambers Street
New York, NY 10007

Barbra Youngberg
Chief, Radiation Section
NYS Dept. of Environmental Conservation
625 Broadway
Albany, NY 12233-7255

Mr. John P. Spath
NYS Energy Research and
Development Authority
17 Columbia Circle
Albany, NY 12203-7399

Mr. Bob Berlin
35 Sterling Pines Road
Tuxedo, NY 10987

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

Dr. W. Jackson

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Brian E. Thomas, Section Chief
Research and Test Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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Docket No. 50-199

AMENDMENT TO INDEMNITY AGREEMENT NO. E-41
AMENDMENT NO. 13

Effective October 21, 2005, Indemnity Agreement No. E-41 between Manhattan College Corporation and the Nuclear Regulatory Commission (formerly the Atomic Energy Commission), dated August 27, 1963, as amended, is hereby terminated.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Eileen McKenna, Acting Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Accepted: _____ 2005

By: _____
Manhattan College Corporation

Docket No. 50-199

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FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Eileen McKenna, Acting Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Accepted: _____ 2005

By: _____
Manhattan College Corporation

UNITED STATES NUCLEAR REGULATORY COMMISSION
MANHATTAN COLLEGE
DOCKET NO. 50-199
(MANHATTAN COLLEGE ZERO POWER REACTOR)
NOTICE OF APPROVAL OF DECOMMISSIONING PLAN AND
NOTICE OF LICENSE TERMINATION

The U.S. Nuclear Regulatory Commission (NRC) is noticing the termination of Facility Operating License No. R-97 for the Manhattan College (MC) Zero Power Reactor (MCZPR).

The NRC has terminated the license of the decommissioned MCZPR, which was in the Leo Engineering Building of Manhattan College, Riverdale, New York, and has released the site for unrestricted use. The licensee requested termination of the license in a letter to NRC dated February 3, 2005. The MCZPR, a 0.1 watt swimming pool reactor, was constructed in 1964 and operated under License No. R-94. The reactor was permanently shut down in 1995. On March 23, 1999, NRC approved the decommissioning plan (DP) dated July 21, 1998, by License Amendment No. 12.

A Notice and Solicitation of Comments Pursuant to 10 CFR 20.1405 and 10 CFR 50.82(b)(5) Concerning Proposed Action to Decommission Manhattan College Zero Power Research Reactor appeared in the *Federal Register* on February 12, 1999 (64 FR 7214). The staff considered all comments received during the review of the MCZPR decommissioning plan.

The NRC completed its review of the December 2004 final status survey report (FSSR) for the Reactor Facility at Manhattan College School of Engineering. The licensee submitted the report to NRC by letter dated February 3, 2005. The report documented the level of residual radioactivity remaining at the facility and stated that compliance with the criteria as approved in the NRC-approved DP had been demonstrated.

Pursuant to 10 CFR 50.82(b)(6), the NRC staff concluded that the decommissioning has been performed in accordance with the approved DP and that the final terminal radiation survey and associated documentation demonstrate that the facility and site are suitable for release in accordance with the criteria in the NRC-approved DP. Furthermore, on the basis of the decommissioning activities carried out by MC, the NRC's review of the licensee's FSSR, the results of NRC's inspections conducted at MC, and the results of NRC's confirmatory surveys, the NRC has concluded that the decommissioning process is complete and the facility and site are suitable to be released for unrestricted use. Based on the NRC staff's conclusions, Facility Operating License No. R-94 is terminated.

For further details, see the licensee's application for decommissioning dated December 18, 1997, July 21, October 29, and November 10, 1998, and January 6, 1999; License Amendment No. 12 to Facility Operating License No. R-94; the licensee's February 3, 2005, request for license termination; the December 2004 FSSR for the Reactor Facility at the Manhattan College School of Engineering, submitted to NRC by letter dated February 3, 2005 and NRC Inspection Report 50-199/2005-201, dated July 15, 2005. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records for MC dated after January 30, 2000, will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading

Room on the Internet at the NRC Web site <<http://www.nrc.gov/reading-rm/adams.html>>.

Persons who do not have access to ADAMS or who have problems in accessing the documents in ADAMS should contact the NRC PDR reference staff at 1-800-397-4209 or 301-415-4737 or at <pdrr@nrc.gov>.

Dated at Rockville, Maryland, this 21st day of October 2005.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Brian E. Thomas, Section Chief
Research and Test Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation