



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

January 8, 2013

Docket Nos. 03000638
04006329
07000190

License Nos. 08-02075-03
SUD-157
SNM-164

Control Nos. 577961
577962
577963

Jerry Conrad
Associate Vice President
The Catholic University of America
Department of Environmental Health and Safety
620 Michigan Avenue, N.E.
Washington, DC 20064

SUBJECT: THE CATHOLIC UNIVERSITY OF AMERICA, REQUEST FOR ADDITIONAL
INFORMATION CONCERNING FINANCIAL ASSURANCE DOCUMENTS,
CONTROL NOS. 577961, 577962, AND 577963

Dear Mr. Conrad:

This is in reference to your emails received November 1 and 19, 2012, providing draft financial assurance documents for review for Nuclear Regulatory Commission License Nos. 08-02075-03, SUD-157, and SNM-164. In order to continue our review, we need the following revisions to the documents:

1. The second paragraph of the draft Standby Trust Agreement (STA) submitted with the November 1, 2012, email refers to only Part 70 in two locations. NRC License Nos. 08-02975-03, SUD-157 and SNM -164 were issued under the regulations in Parts 30, 40 and 70, respectively. Please replace "Part 70" with "Parts 30, 40 and 70" where the phrase appears in the paragraph.
2. Section 2 of the draft STA also refers to Part 70, however, the phrase is linked to the licenses issued by the NRC. Thus the phrase "Part 70" should be replaced with "Parts 30, 70 and 40, respectively" or the license numbers reordered as in this document and the phrase replaced with "Parts 30, 40 and 70."
3. Section 5.a of the draft STA refers to a "Specimen certificate." Since there is more than one certificate in the package, please change the phrase to the standard wording in the model, i.e., Certificate of Events.
4. Please note that the draft STA, as submitted, only requires the signature of a representative from The Catholic University of America. The document should also be signed by a representative of the Trustee. Ensure that this is corrected.

5. The Specimen Certificate of Events of the draft STA refers to the decommissioning of licensed activities relating to NRC licenses. Facilities or locations of use are decommissioned, so please replace the references to NRC licenses with the model wording in NUREG-1757, Volume 3, Revision 1 which refer to facility locations. In the licensee's case, this would be the facilities found on the campus at 620 Michigan Avenue, N.E., Washington, D.C.
6. In the draft Letter of Credit (L/C) submitted in your November 19, 2012, e-mail, on page 2, within the first full paragraph, the trustee indicates that the NRC will be notified of its intention not to renew the L/C at least 90 days prior to the expiration date. The Commission requires that both the NRC and the Grantor be notified when the Trustee determines that it will not renew the L/C. This allows the Grantor more time in its search for a new financial assurance instrument provider. Please revise this section accordingly.
7. The draft L/C lacks language pertaining to the bank notification requirements for when the trustee can no longer perform its duties. The Commission believes this is necessary because it provides the Grantor time to obtain a new financial instrument from another institution to cover decommissioning costs rather than approaching the Trustee and finding that obligated funds are not available. Please review the third and fourth sentences of the paragraph of the model Letter of Credit found in NUREG-1757, Volume 3, Revision 1, Appendix A.6 which begins "The letter of credit is effective as of ..." and revise the L/C accordingly.
8. Please confirm that the publication cited, i.e., International Chamber of Commerce Publication 590, is the most current revision of the document. I have reviewed other L/C which have cited "Publication 600."

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits**, see our **toolkit index page**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's Safety Culture Web Site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control Nos. 577961, 577962, and 577963. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5075.

J. Conrad

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Thank you for your cooperation in this matter.

Sincerely,

Original signed by Steve Courtemanche

Steven Courtemanche
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

cc:

Mahmoud S. Haleem, Radiation Safety Officer
Charles Henderson

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SUNSI Review Complete: SCourtemanche

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