



Radiation Protection Office
Environmental Health and Safety
201 Academic Projects Building
The Pennsylvania State University
University Park, PA 16802
<http://www.ehs.psu.edu>

September 16, 2014

Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Document Control Desk
11555 Rockville Pike
Rockville, Maryland 20852 - 2738

Re: License Number SNM-95 (Docket Number 070-00113)

Subj: Request for enforcement discretion and extension to 90-day rule for decommissioning certification for Penn State University

The Pennsylvania State University is requesting enforcement discretion and an extension to the decommissioning funding certification deadline from September 28, 2014 (90 days after the close of our fiscal year on June 30) to December 31, 2014 (180 days after the close of our fiscal year). The following are justifications for this request:

- Although the Penn State fiscal year closes June 30, audited financial statements are not approved by the Board of Trustees until October or November. Therefore, the necessary documents are not finalized and available until late November or early December.
- Penn State has been submitting the documents within 180 days of the close of the fiscal year for many years.
- By letter dated September 23, 2013, Penn State submitted a license amendment request to be exempt from the 90-day requirement, instead submitting the documents within 180 days after the close of the fiscal year. The NRC accepted the request October 23, 2014 under TAC L33284.
- The review of the above exemption request has yet to be completed by NRC.
- Penn State is requesting enforcement discretion, given that necessary documents are unavailable until after the 90 day due date.

Please contact me for correspondence or if you need any additional information.

Jeffrey Leavey, CHP
Radiation Safety Officer
201 Academic Projects Building
Penn State University
University Park, PA 16802
814-863-3939
JAL62@psu.edu

NIM5501

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Leavey', with a long, sweeping horizontal line extending to the right.

Jeffrey Leavey, CHP
Radiation Safety Officer

Cc: M. Trump, Associate Director, Breazeale Nuclear Reactor, PSU
J. Murawski, Controllers Office, PSU
C. Ryder, NRC Project Management, SNM-95
X. Yin, NRC Project Manager, R-2



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11555 Rockville Pike
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Re: License Number R-2 (Docket Number 050-00005)

Subj: Request for enforcement discretion and extension to 90-day rule for decommissioning certification for Penn State University

The Pennsylvania State University is requesting enforcement discretion and an extension to the decommissioning funding certification deadline from September 28, 2014 (90 days after the close of our fiscal year on June 30) to December 31, 2014 (180 days after the close of our fiscal year). The following are justifications for this request:

- Although the Penn State fiscal year closes June 30, audited financial statements are not approved by the Board of Trustees until October or November. Therefore, the necessary documents are not finalized and available until late November or early December.
- Penn State has been submitting the documents within 180 days of the close of the fiscal year for many years.
- By letter dated September 23, 2013, Penn State submitted a license amendment request to be exempt from the 90-day requirement, instead submitting the documents within 180 days after the close of the fiscal year. The NRC accepted the request October 23, 2014 under TAC L33284.
- The review of the above exemption request has yet to be completed by NRC.
- Penn State is requesting enforcement discretion, given that necessary documents are unavailable until after the 90 day due date.

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J. Murawski, Controllers Office, PSU
C. Ryder, NRC Project Management, SNM-95
X. Yin, NRC Project Manager, R-2