



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

October 4, 2019

Dr. William Charlton
University of Texas at Austin
Nuclear Engineering Teaching Lab
Pickle Research Campus, R-9000
Austin, TX 78712

SUBJECT: APPROVAL OF UNIVERSITY OF TEXAS LICENSE AMENDMENT REQUEST
SUPPORTING SHIPPING PREPARATIONS AND AMENDMENT ONE OF
SNM-180 (ENTERPRISE PROJECT IDENTIFICATION L-2019-LLA-0099)

Dear Dr. Charlton:

By letter dated April 22, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession Nos.: ML19116A057 and ML19119A008 (redacted version)), you provided a license amendment request (LAR) in support of shipping preparations of licensed material currently in storage. This was accepted for further detailed review on May 31, 2019 (ADAMS Accession No. ML19151A452).

On June 25, 2019, U.S. Nuclear Regulatory Commission (NRC) staff made a site visit to the Nuclear Engineering Teaching Lab (NETL) meet with laboratory staff and obtain a visual understanding of the spaces where the requested work was to be carried out. By letter dated August 16, 2019 (ADAMS Accession Number ML19240A024), following a previously scheduled site visit by Department of Energy (DOE) staff regarding package and shipping preparation, you provided detailed procedures to be used for shipping preparation. The LAR requests to remove licensed materials from storage to be prepared for shipment to DOE with a stated goal to terminate Special Nuclear Materials License Number 180 (SNM-180). The staff reviewed your LAR and the procedures to be used. The amendment is approved.

This amendment is issued in support of shipping preparation, and does not authorize any other use of SNM on the license. Upon completion of described preparations, the materials will be returned to secure storage until the scheduled shipment. The license issued on November 13, 2009, will expire at the close of business on November 12, 2019. In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 70.38 (c)(1) and (2), the license will continue to be in effect, with respect to possession of SNM until all SNM has been shipped, the Nuclear Materials Management Safeguards System (NMMSS) is updated to reflect the transfer of materials, and the requirements of 10 CFR 70.38(j) are completed and transmitted to this office.

The documents transmitted contain Security-Related Information. When separated from Enclosures 3 and 4, the remaining documents are decontrolled.

Additionally, by letters dated February 18, 2019, and supplemented by letters dated February 27, March 11 and 15, and May 10, 2019 (ADAMS Accession Nos.: ML19053A521, ML19067A245 (redacted version), ML19074A108, ML19079A157, and ML19135A069, respectively), you requested to transfer the possession of plutonium-beryllium (PuBe) sealed neutron source material from SNM-180, to the 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," license, No. R-129. By letter dated September 5, 2019 (ADAMS Accession No ML19065A197), Amendment 7 to the R-129 license was issued, approving the transfer and adding License Condition (LC) 2.B.(2) to the license for the material.

As a result of the LARs to both the SNM-180 Part 70 license and the R-129 Part 50 License, the following LCs to the SNM-180 license have been modified, deleted, or added:

- 1) LC 6B: The attached licenses indicate LC 6B as "deleted," reflecting the approval of Amendment 7 to the R-129 license, transferring the PuBe from the SNM-180 license.
- 2) LC 9: Condition 9 has been modified to reflect the LAR submittal of April 22, 2019 and the supplemental August 16, 2019 procedures.
- 3) LC 10: Condition describes the authorized place of use:
 - a. LC10A has been modified from "Used at NETL" to "Storage and shipment only."
 - b. LC10B has been modified from "Used at NETL" to "Transferred to R-129."
 - c. LC10C has been modified from "Used at NETL" to "Storage and shipment only."
- 4) LC 15: In response to the events of September 11, 2001, Enforcement Action (EA)-05-090 was issued (ADAMS Accession No ML053550170) on December 22, 2005, requiring compliance with "Increased Controls" orders regarding the possession of radioactive materials quantities of concern. This condition was written into the SNM-180 license as LC 15 during renewal in 2009. On March 19, 2013, the NRC published 10 CFR Part 37, "Physical Protection of Category I and Category 2 Quantities of Radioactive Material." As of March 19, 2014, licensees were required to be in compliance with this rule (ADAMS Accession No. ML14073A493) and rescinded the increased controls orders. For compliance, this LC has been marked as "deleted."
- 5) LC 16: Has been added for emphasis on the disposition of materials on the SNM-180 with the approval of this amendment and the pending expiration of the license:

Upon completion of described preparations, the materials will be returned to secure storage until the scheduled shipment. In accordance with (10 CFR) Part 70.38 (c)(1) and (2), the license will continue to be in effect with respect to possession of SNM. The licensee will 1) limit actions involving special nuclear material decontamination and decommissioning, and 2) continue to control entry to restricted areas until they are suitable for release in accordance with NRC requirements, as well as the stipulations in 10 CFR 70.38(k).

Enclosed are Safety Evaluation Reports (SERs), public and non-public versions to document the review of the April 22, 2019, submittal as enclosures 1 and 3. The LAR is approved and documented under condition S-1 in enclosures 2 and 4, public and non-public versions of the SNM-180 License. The Enterprise Project Identification Code is considered closed. Once the Nuclear Materials Management Safeguards System (NMMSS) is updated to reflect the transfer of materials, and the requirements of 10 CFR 70.38(j) are completed and transmitted to this office, correspondence will be prepared and forwarded finalizing the license termination.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. Enclosures 3 and 4 will not be publicly available. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, feel free to contact Tyrone Naquin at (301) 415-7352, or via e-mail to Tyrone.Naquin@nrc.gov.

Sincerely,

/RA J. Zimmerman for/

Tyrone D. Naquin, Project Manager
Fuel Facility Licensing Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-0157
License No. SNM-180

Enclosures:

1. Safety Evaluation Report (Public)
2. Amendment 1, SNM-180 (Public)
3. Safety Evaluation Report (Non-Public)
4. Amendment 1, SNM-180 (Non-public)

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SNM-180 (ENTERPRISE PROJECT IDENTIFICATION L-2019-LLA-0099)

DATED: October 4, 2019

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ADAMS Accession Package No.: ML19267A130 (Pkg) ML19267A131 (Ltr) ML19267A132 (Encl 1)
ML19267A133 (Encl 2) ML19267A139 (Encl 3) ML19267A142 (Encl 4)

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NAME	TNaquin	ELee	JZimmerman	TNaquin
DATE	09/24/2019	09/30/2019	10/04/2019	10/01/2019

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