



NUCLEAR REACTOR LABORATORY
AN INTERDEPARTMENTAL CENTER OF
MASSACHUSETTS INSTITUTE OF TECHNOLOGY



O.K. HARLING
Director

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L. CLARK, JR.
Director of Reactor Operations

October 25, 1985

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Show Cause Order of September 27, 1985, Docket No. 50/20

Dear Sir:

As provided in 10 CFR 2.202(d), the Massachusetts Institute of Technology consents to the entry of an order in substantially the form proposed in the Commission's Order to Show Cause dated September 27, 1985 and addressed to the Institute as holder of Facility Operating License No. R-37 and to other non-power reactors licensed by NRC and using high enrichment uranium (HEU) fuel.

It has been MIT's policy for some time to maintain a minimum inventory of unirradiated fuel. That inventory is currently in compliance with the Order, and it will remain so. However, our inventory of spent (irradiated) fuel, although highly self-protecting, is larger than necessary because of the protracted delays in the licensing of the Department of Energy HM-1A shipping cask. Problems causing further delays in the availability of this cask should be resolved at the earliest possible date.

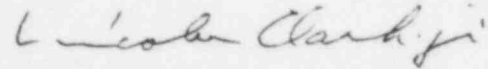
MIT's consent is contingent upon interpretation of the Order as follows:

- 1) In determining the number of replacement elements that may be maintained in inventory, it is our interpretation that "the amount of fuel depleted in a 90-day period" may be rounded upward to the next whole number of elements.
- 2) Even with the above assumption, some refuelings will become complicated, and a request for relaxation of the requirements may be necessary. It is our further interpretation that paragraph II(3) provides for the filing of such requests after the Order becomes effective and not necessarily beforehand.

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A final and very important point is that HEU inventories at non-power reactors subject to the Order will be so small and dispersed that the Commission's proposed requirement of July 6, 1984 (49 FR 27769) for conversion of HEU fuel to low enrichment fuel becomes entirely unnecessary and should be withdrawn.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lincoln Clark, Jr.", written in dark ink.

Lincoln Clark, Jr.
Director of Reactor Operations

LC/crh

cc: J. Bernard
O. Harling
D. Lanning
W. Milne

CORRESPONDENCE CONTROL TICKET

SECY NUMBER: 85-924

LOGGING DATE 10/30/85

OFFICE OF THE SECRETARY

ACTION OFFICE:

EDO

Davis f/approp action

Cys: Denton

Taylor

Region I

GCunningham/SBurns

Pat Anderson

PDR

AUTHOR:

Lincoln Clark

AFFILIATION:

Nuclear Reactor Lab--Mass

LETTER DATE:

10/25/85

FILE CODE

ADDRESSEE:

Chilk

SUBJECT:

Show cause order of 9/27/85--unirradiated fuel in non-power reactors

ACTION:

Appropriate

DISTRIBUTION:

SPECIAL HANDLING:

None

SIGNATURE DATE:

FOR THE COMMISSION Champ

DATE... 10-31-85
Time... 1:30 p.m.