



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

October 4, 2021

Mr. Jerry Newhouse, Director
Reed College
Reed Research Reactor
3203 Southeast Woodstock Boulevard
Portland, OR 97202-8199

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION STAFF REVIEW RE: REED
COLLEGE 2020 FINANCIAL TEST FOR SELF-GUARANTEE FOR
DECOMMISSIONING FUNDING (EPID NO. L-2021-NFO-0000)

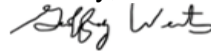
Dear Mr. Newhouse:

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.75, "Reporting and recordkeeping for decommissioning planning," paragraph (e)(1)(iii)(C) and Appendix E to 10 CFR Part 30, "Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Nonprofit Colleges, Universities, and Hospitals," Reed College submitted a self-guarantee letter to the U.S. Nuclear Regulatory Commission (NRC) to demonstrate financial assurance for decommissioning dated October 28, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21014A437), and supplemented by letter dated June 8, 2021 (ADAMS Accession No. ML21160A179 (letter); and ADAMS Accession No. ML21160A180 (enclosure)).

The NRC staff has completed its review and finds that the Reed College self-guarantee agreement meets the financial test criteria for a non-profit college that issues bonds, is sufficient for providing financial assurance, conforms to the guidance in NUREG-1757, Volume 3, Revision 1, "Consolidated Decommissioning Guidance; Financial Assurance, Recordkeeping, and Timeliness," and meets the applicable requirements of Appendix E to 10 CFR Part 30 and 10 CFR 50.75. Enclosed is a summary of the NRC staff's financial review of Reed College's submittal.

If you have any questions regarding this matter, please contact me at 301-415-0893, or by electronic mail at Geoffrey.Wertz@nrc.gov.

Sincerely,



Signed by Wertz, Geoffrey
on 10/04/21

Geoffrey Wertz, Project Manager
Non-Power Production and Utilization Facility
Licensing Branch
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Docket No. 50-288
License No. R-112

Enclosure:
As stated

cc: See next page

Reed College

Docket No. 50-288

cc:

Mayor of the City of Portland
1220 Southwest 5th Avenue
Portland, OR 97204

Dr. Kathryn C. Olsen, Dean of Faculty
Reed College
3203 SE Woodstock Boulevard
Portland, OR 97202-8199

Dr. Audrey Bilger, President
Reed College
3203 SE Woodstock Boulevard
Portland, OR 97202-8199

Ken Niles, Assistant Director for Nuclear Safety
Oregon Department of Energy
550 Capitol Street N.E., 1st Floor
Salem, OR 97301

Program Director
Radiation Protection Services
Public Health Division
Oregon Health Authority
800 NE Oregon Street, Suite 640
Portland, OR 97232-2162

Test, Research and Training
Reactor Newsletter
Attention: Ms. Amber Johnson
Dept of Materials Science and Engineering
University of Maryland
4418 Stadium Drive
College Park, MD 20742-2115

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DECOMMISSIONING FUNDING (EPID NO. L-2021-NFO-0000)
DATED: OCTOBER 4, 2021

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ADAMS Accession No.: ML21258A396**NRR-106**

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UNITED STATES
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WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

ANNUAL FINANCIAL TEST FOR SELF-GUARANTEE

OF DECOMMISSIONING FUNDING

REED COLLEGE

DOCKET NO. 50-288

1.0 INTRODUCTION

By letter dated October 28, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21014A437), as supplemented by letter dated June 8, 2021 (ADAMS Accession No. ML21160A179 (letter) and ML21160A180 (enclosure)), Reed College provided to the U.S. Nuclear Regulatory Commission (NRC) for review, the required documentation in support of its self-guarantee for demonstrating decommissioning funding assurance. This information was provided in accordance with NUREG-1757, Volume 3, Revision 1, "Consolidated Decommissioning Guidance; Financial Assurance, Recordkeeping, and Timeliness," Title 10 of the *Code of Federal Regulations* (10 CFR) 50.75, "Reporting and recordkeeping for decommissioning planning," and Appendix E to 10 CFR Part 30, "Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Nonprofit Colleges, Universities, and Hospitals." With its submittal, Reed College also provided accompanying financial statements, the Reed College Self-Guarantee Agreement, including recitals, and a decommissioning cost estimate for the Reed College Research Reactor. With the information provided in these documents, Reed College indicates it "meets or exceeds" the financial test intended to provide assurance that Reed College can continue maintaining \$3,025,125 (2020 dollars) in coverage for decommissioning funding assurance of the research reactor and related facilities located at Reed College in Portland, Oregon.

2.0 ANALYSIS

The requirements of 10 CFR 50.75(e)(1)(iii)(C), state, in part, that "[f]or non-profit entities, such as colleges ... a guarantee of funds by the applicant or licensee may be used if the guarantee and test are as contained in Appendix E to 10 CFR part 30." As a non-profit college, Reed College qualifies to use the self-guarantee as reflected in Appendix E to 10 CFR Part 30. The NRC staff evaluated Reed College's submittal to determine whether its proposed guarantee and test criteria meet those as contained in Appendix E to 10 CFR Part 30. The NRC staff reviewed Reed College's submittal pursuant to the elements specified in Appendix E to 10 CFR Part 30, including the financial test requirements, self-guarantee requirements, and additional requirements, as contained in Section II, "Financial Test," and Section III, "Self-Guarantee," of Appendix E to 10 CFR Part 30, and guidance contained in NUREG-1757.

Enclosure

Regarding the adequacy of Reed College's submittal and its proposed use of a self-guarantee, regulatory guidance contained in NUREG-1757, Section 4.3.2.6, "SELF-GUARANTEES," states, in part, that a submittal used to satisfy the requirements of Appendix E to 10 CFR Part 30 will be acceptable if such submittal includes the self-guarantee agreement, the Chief Financial Officer's Certification, the Independent Auditor's Report, and Financial Statements. In its submittal, the licensee provided: a letter from Reed College's (Office of the Treasurer) Vice President/Treasurer containing the self-guarantee financial test; an independent auditor's report confirming the Reed College Office of the Treasurer letter and reconciling amounts with the licensee's financial statements; and the licensee's audited financial statements for the most recent fiscal year. The NRC staff notes that the self-guarantee agreement (originally signed duplicate) was not submitted with the application as recommended in NUREG-1757 guidance; however, the NRC staff confirmed that this agreement is in the NRC's possession and remains unchanged (ADAMS Accession No. ML092200010; page 281). The NRC staff also notes that Subsection II(C)(1) of Appendix E to 10 CFR Part 30 requires the licensee's independent certified public accountant to evaluate the licensee's off-balance sheet transactions and render an opinion on whether those transactions could adversely affect the licensee's ability to pay for decommissioning costs. The guidelines established by the American Institute of Certified Public Accountants prohibit an accountant from rendering such an opinion. In this regard, Klynveld Peat Marwick Goerdeler (KPMG LLP), the independent auditor retained by Reed College, states, in part, "In our opinion, the financial statements referred to above present fairly in all material respects, the financial position of The Reed Institute [Reed College]." The NRC staff concluded that Reed College's submittal, and the information provided in that submittal, is acceptable in support of the licensee's use of a self-guarantee for decommissioning funding.

Regarding financial test requirements, Appendix E to 10 CFR Part 30 requires a bond issuing licensee to have a "current [credit] rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of ... Aaa, Aa, or A (including adjustments of 1, 2, or 3) as issued by Moody's." As stated in the Reed College Self-Guarantee Agreement provided with its October 28, 2020, submittal, the Moody's bond rating for Reed College's most recent uninsured, uncollateralized, and unencumbered bond was rated "Aa2/VMIG 1." The Moody's bond rating of Aa2/VMIG 1, meets the test criteria of "Aaa, Aa, or A" as provided in Appendix E to 10 CFR Part 30.

The NRC staff notes that the NRC is currently addressing, through rulemaking, changes to its surety requirements used by licensees. These changes are responsive to the 2010, "Dodd-Frank Wall Street Reform and Consumer Protection Act" legislation (Dodd-Frank), which, among other things, seeks to have agencies remove reference to or requirements for reliance on credit ratings, and impacts NRC's financial tests for colleges, universities and hospitals who use self-guarantees for providing reasonable assurance of funds for decommissioning. As a result, the NRC staff would disallow reliance on use of credit ratings as a financial test for providing reasonable assurance of funds for decommissioning. In the case of a university or college currently relying on bond ratings to qualify for use of a self-guarantee, such as Reed College, licensees would instead rely on the financial test in Appendix E to 10 CFR Part 30, II.A.(2). This financial test requires that the applicant meet unrestricted endowment criteria consisting of assets located in the United States of at least \$50 million, or at least 30 times the total current decommissioning cost estimate, whichever is greater.

As provided in the Reed College Self-Guarantee Agreement submittal, the licensee's financial statements reflect total unrestricted endowment funds of \$280,889,636 (June 30, 2020), and a cost to decommission the reactor of \$3,025,125 (2018 dollars). Accordingly, the licensee's unrestricted endowment is greater than 30 times the total current decommissioning cost

estimate and therefore meets the endowment criteria in Appendix E to 10 CFR Part 30, II.A.(2). Based on the NRC staff's analyses, the licensee meets the financial test for use of a self-guarantee using either credit ratings or unrestricted endowment criteria. In consideration of the above, the NRC staff finds that Reed College has fulfilled the requirements for a university seeking to provide decommissioning funding assurance using a self-guarantee.

3.0 CONCLUSION

The NRC staff has reviewed the decommissioning financial assurance mechanism for the research reactor at Reed College. Based on its review, the NRC staff finds that the licensee provided complete documentation, including a letter from Reed College's Vice President/Treasurer containing the self-guarantee financial test; an independent auditor's report confirming the Vice President/Treasurer letter and reconciling amounts with the licensee's financial statements; and the licensee's audited financial statements for the most recent fiscal year. In addition, the NRC staff finds that the self-guarantee agreement meets the financial test criteria for a non-profit college that issues bonds, is sufficient for providing financial assurance (\$3,025,125 in 2018 dollars) for decommissioning of the Reed College facility and conforms to NRC guidance. Therefore, the NRC staff concludes that Reed College meets the requirements of 10 CFR Part 30, Appendix E and 10 CFR 50.75.

Principal Contributors: N. Newton, NMSS
S. Harwell, NMSS
G. Wertz, NRR

Date: October 4, 2021