

June 7, 2007

Dr. Steven R. Reese
Director, Radiation Center
Oregon State University
100 Radiation Center
Corvallis, OR 97331-5903

SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR
DOCKETING AND OPPORTUNITY FOR A HEARING REGARDING THE
APPLICATION FROM THE OREGON STATE UNIVERSITY FOR RENEWAL
OF THE FACILITY LICENSE FOR THE OREGON STATE UNIVERSITY TRIGA
REACTOR (OSTR) (TAC NO. MC5155)

Dear Dr. Reese:

On October 5, 2004, Oregon State University (the licensee) applied to the U.S. Nuclear Regulatory Commission (NRC) for renewal of Facility License No. R-106 for the OSTR.

The NRC staff has determined that the licensee has submitted sufficient information that the application is acceptable for docketing, in accordance with 10 CFR 50.33 and 50.34. However, the staff's determination does not preclude requests for additional information as the review proceeds.

Enclosed is a copy of the notice relating to your license renewal application that is being sent to the Office of the Federal Register for publication. This notice provides the opportunity to request a hearing and to file a petition for leave to intervene.

If you have any questions on this matter, please contact Mrs. Cindy Montgomery of my staff by telephone at 301-415-3398 or via electronic mail at ckm2@nrc.gov.

Sincerely,

/RA/

Daniel Collins, Branch Chief
Research and Test Reactor Branch A
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-243

Enclosure: Federal Register Notice

cc w/enclosure: See next page

Oregon State University

cc:

Mayor of the City of Corvallis
Corvallis, OR 97331

David Stewart-Smith
Oregon Office of Energy
625 Marion Street, N.E.
Salem, OR 97310

John Cassady, Vice President
for Research
Oregon State University
312 Kerr Administration Building
Corvallis, OR 97331-5904

Todd Keller
Reactor Administrator
Oregon State University
100 Radiation Center
Corvallis, OR 97331-5904

Dr. John Ringle, Chairman
Reactor Operations Committee
Oregon State University
100 Radiation Center
Corvallis, OR 97331-5904

Test, Research, and Training
Reactor Newsletter
University of Florida
202 Nuclear Sciences Center
Gainesville, FL 32611

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Director, Radiation Center
Oregon State University
100 Radiation Center
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Accession Number: ML 071450307

OFFICE	PRTA:PM	PRTA:LA	PRTA:BC	PRTA: PM	OGC	
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DATE	05/25/2007	05/25/2007	06/07/2007	05/25/2007	06/06 /2007	

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UNITED STATES NUCLEAR REGULATORY COMMISSION
THE OREGON STATE UNIVERSITY
NOTICE OF ACCEPTANCE FOR DOCKETING OF THE APPLICATION
AND NOTICE OF OPPORTUNITY FOR HEARING REGARDING RENEWAL OF
THE OREGON STATE UNIVERSITY RESEARCH REACTOR
FACILITY LICENSE NO. R-106
FOR AN ADDITIONAL 20-YEAR PERIOD
DOCKET NO. 50-243

The U. S. Nuclear Regulatory Commission (NRC or the Commission) is considering an application for the renewal of Facility License No. R-106, which authorizes the Oregon State University (the licensee) to operate the Oregon State University Research Reactor (OSTR) at a maximum steady-state thermal power of 1.1 megawatts (MW) thermal power. The renewed license would authorize the applicant to operate the OSTR for an additional 20-years beyond the period specified in the current license. The current license for the OSTR expired on August 15, 2006.

On October 5, 2004, as supplemented on August 8, 2005, May 24, 2006, November 10, 2006 and November 21, 2006, the Commission's staff received an application from the licensee filed pursuant to 10 CFR Part 50.51(a), to renew Facility License No. R-106 for the OSTR. Because the license renewal application was filed in a timely manner in accordance with 10 CFR 2.109, the license will not be deemed to have expired until the license renewal application has been finally determined.

The Commission's staff has determined that the licensee has submitted sufficient

information in accordance with 10 CFR 50.33 and 50.34 that the application is acceptable for docketing. The current Docket No. 50-243 for Facility License No. R-106, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application. Prior to a decision to renew the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

Within sixty (60) days after the date of publication of this Federal Register Notice, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852 and is accessible from the Agency Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/readingrm/doc-collections/cfr> . Persons who do not have access to the NRC web site or who encounter problems in accessing the documents located in the Electronic Reading Room should contact the NRC's PDR reference staff at 1-800-397-4209, or by email at pdrr@nrc.gov. If a request for a hearing or a petition for leave to intervene is filed within the 60-day period, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed within the 60-day

period, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR Parts 50 and 51, renew the license without further notice.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with the particular interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the requestor's/petitioner's right under the Atomic Energy Act to be made a party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the requestor/petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The requestor/petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.¹

Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the requestor/petitioner to relief.

¹To the extent that the applications contain attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel and discuss the need for a protective order.

A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical - - primarily concerns/issues relating to technical and/or health and safety matters discussed or referenced in the applicant's safety analysis for the OSTR license renewal application.
2. Environmental - - primarily concerns issues relating to matters discussed or referenced in the Environmental Report for the license renewal application.
3. Miscellaneous - - does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more requestors/petitioners seek to co-sponsor a contention, the requestors/petitioners shall jointly designate a representative who shall have the authority to act for the requestors/petitioners with respect to that contention. If a requestor/petitioner seeks to adopt the contention of another sponsoring requestor/petitioner, the requestor/petitioner who seeks to adopt the contention must either agree that the sponsoring requestor/petitioner shall act as the representative with respect to that contention, or jointly designate with the sponsoring requestor/petitioner a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. A request for a hearing or a petition for leave to intervene must be filed by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) Email addressed to the Office of the

Secretary, (U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Rulemakings and Adjudications Staff at 301-415-1101, verification number is 301-415-1966. A copy of the request for hearing and petition for leave to intervene must also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by email to OGCMailCenter@nrc.gov. A copy of the request for hearing and petition for leave to intervene should also be sent to the licensee. The licensee's contact for this is Dr. Steven R. Reese, Director, Radiation Center, Oregon State University, 100 Radiation Center, Corvallis, OR 97331-5903.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition, request and/or contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309 (c)(1)(i)-(viii).

Detailed guidance which the NRC uses to review applications for the renewal of non-power reactor licenses can be found in the document NUREG-1537, entitled "Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors," can be obtained from the Commission's PDR. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The detailed review guidance (NUREG-1537) may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS accession number ML042430055 for part one and ML042430048 for part two. Copies of the application to renew the facility license for the OSTR are available for public

inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852-2738. The initial application and other related documents may be accessed through the NRC's Public Electronic Reading Room, at the address mentioned above, under ADAMS Accession Nos.: ML071430452, ML043270077, ML071300010, ML052290051, ML061310209, ML061510355, ML062060026, ML063210182, and ML063320500. Persons who do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, may contact the NRC Public Document Room Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov .

Dated at Rockville, Maryland, this 7th day of June 2007

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Daniel Collins, Branch Chief
Research and Test Reactors Branch A
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation