

November 8,

Docket No. 50-606

Dr. Kenneth Kersh, President  
Arkansas Tech University  
Russellville, Arkansas 72801-2222

Dear Dr. Kersh:

SUBJECT: NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT  
AND FACILITY OPERATING LICENSE

Enclosed for your information is a copy of a notice of "Proposed Issuance of Construction Permit and Facility Operating License" related to your November 13, 1989, as supplemented on December 19, 1988 and April 25, 1990, request for a construction permit and facility operating license for a TRIGA type non-power research reactor.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Alexander Adams, Jr., Project Manager  
Non-Power Reactor, Decommissioning  
and Environmental Project Directorate  
Division of Reactor Projects - III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc w/enclosure:  
See next page

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Docket File	NRC & Local PDRs	PDNP r/f	W. Travers	
S. Weiss	A. Adams	E. Hylton	S. Collins, RIV	
ACRS (10)	OGC	D. Hagan	GPA/PA	

OFC	: PDNP/LA	: PDNP/PM	: PDNP/D	:	:	:
NAME	: E. Hylton	: A. Adams	: S. Weiss	:	:	:
DATE	: 11/8/90	: 11/2/90	: 11/2/90	:	:	:

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

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Sincerely,

A handwritten signature in cursive script that reads "Alexander Adams, Jr.".

Alexander Adams, Jr., Project Manager  
Non-Power Reactor, Decommissioning  
and Environmental Project Directorate  
Division of Reactor Projects - III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc w/enclosure:  
See next page

UNITED STATES NUCLEAR REGULATORY COMMISSION  
DOCKET NO. 50-606  
ARKANSAS TECH UNIVERSITY  
NOTICE OF PROPOSED ISSUANCE OF  
CONSTRUCTION PERMIT AND FACILITY OPERATING LICENSE

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of a construction permit and subsequently a facility operating license to Arkansas Tech University (the applicant). The permit would authorize the applicant to construct for educational training and research purposes a nuclear research reactor (the facility) on the University's campus in Russellville, Arkansas. The license would authorize the applicant to operate the reactor at power levels not in excess of 250 kilowatts (thermal), with pulse step reactivity insertion not in excess of 2.00\$.

Prior to issuance of the construction permit, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Upon completion of the construction of the facility in Russellville, Arkansas, in compliance with the terms and conditions of the construction permit and the application, as amended, and in the absence of good cause to the contrary, the Commission will issue to the applicant (without prior notice) a class 104c facility license authorizing operation of the nuclear research reactor at the power and pulse levels specified above, since the application is complete enough to permit evaluation of the safety and environmental impact of the operation of the facility in the manner and location proposed. Prior to the issuance of the license, the facility will be inspected by a representative of the Commission to determine whether it has been constructed in accordance with the application and the provisions of the construction

permit. The license will not be issued until the Commission makes the findings required by the Act and the Commission's rules and regulations and concludes that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public or to the environment. In addition, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and by 10 CFR Part 140 of the Commission's regulations.

By December 10, 1990, the applicant may file a request for a hearing with respect to the issuance of the construction permit and the facility operating license 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. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules and Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N. W., Washington, D. C. 20555. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and

how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a

genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the application under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

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, including the opportunity to present evidence and cross-examine witnesses.

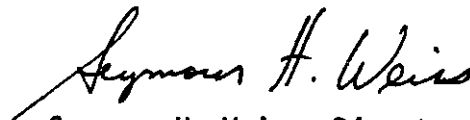
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, at 2120 L Street, N. W., Washington, D. C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; Arkansas Tech University; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555 and to Jeff Bell, Deputy Attorney General, State of Arkansas, 200 Tower Building, 4th and Center Streets, Little Rock, Arkansas 72201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for construction permit and facility operating license dated November 13, 1989, as supplemented on December 19, 1989 and April 25, 1990, which is available for public inspection at the Commission's Public Document Room at 2120 L Street, N. W., Washington, D. C. 20555.

Dated at Rockville, Maryland this 5th day of November 1990.

FOR THE NUCLEAR REGULATORY COMMISSION



Seymour H. Weiss, Director  
Non-Power Reactor, Decommissioning and  
Environmental Project Directorate  
Division of Reactor Projects - III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation