

UNITED STATES NUCLEAR REGULATORY COMMISSIONUNIVERSITY OF WASHINGTONDOCKET NO. 50-139NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY LICENSE AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to License No. R-13, issued to the University of Washington (the licensee), for the 100KW (thermal) Argonaut reactor facility located on the campus of the University of Washington, in Seattle, Washington. The amendment would involve approval of the licensee's Decommissioning Plan and the renewal of License No. R-13 as a possession-only license with associated Technical Specifications (TS).

The licensee submitted a request to change its license from an operating to a possession-only license on August 3 and 23, 1989 and a Decommissioning Plan on August 31, 1989, which also made a timely request that the license be extended until October 13, 2009. The Decommissioning Plan consists of two phases. The first phase is a partial decommissioning wherein the fuel and parts of the Argonaut reactor will be removed from the facility. After this phase is completed and surveys prove the facility to be acceptable, the licensee plans to install a subcritical assembly and a robotics laboratory in the facility. An application for a special nuclear material license under Part 70 is expected to be submitted, as a separate action, for installation of the subcritical assembly. The second phase of the Decommissioning Plan addresses the complete decontamination of the facility so that it can be released for unrestricted use.

The amendment would accomplish the following: 1) approval of the licensee's Decommissioning Plan, which involves on-site storage of residual radioactivity until the year 2009, followed by facility dismantling. The Decommissioning Plan

describes the structures, systems and components to be removed during the first and second phase and the monitoring maintenance of the remainder of the facility; 2) revise the Technical Specification (TS) to delete certain license conditions including the exemption of the physical security and emergency plan that were applicable for reactor operations but not for permanent shutdown possession-only conditions, and to retain the TS suitable for possession-only status such as requirements for radiation protection, monitoring and facility maintenance; and 3) renewal of License No. R-13 from its October 13, 1989 expiration date to October 13, 2009 to be consistent with the licensee's Decommissioning Plan and Possession-Only license amendment request.

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

By December 28, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility 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 of 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 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 action 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 shall 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, 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; plant name; 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 Mr. Lloyd W. Peterson, Senior Assistant Attorney General, University of Washington, 112 Administration, MS AF-50, Seattle, Washington 98195, attorney for licensee.

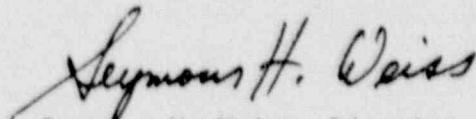
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should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

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards considerations in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated August 3, 1989 as revised August 23, 1989 and August 31, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555.

Dated at Rockville, Maryland this 21st day of November 1989.

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