



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

April 26, 2021

Dr. Rusty Towell
Director of NEXT Lab
Abilene Christian University
ACU Box 28208
Abilene, TX 79699

SUBJECT: ABILENE CHRISTIAN UNIVERSITY – U.S. NUCLEAR REGULATORY
COMMISSION STAFF RESPONSE TO REGULATORY INTERPRETATION
REQUEST (EPID NO. L-2020-NFN-0000)

Dear Dr. Towell:

By letter dated November 30, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20366A053), Abilene Christian University (ACU) submitted questions in a regulatory interpretation request to the U.S. Nuclear Regulatory Commission (NRC). ACU's request was regarding the regulatory process for and applicability of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.10, "License required; limited work authorization," paragraph (a)(2)(x), to the erection of the Science and Engineering Research Center (SERC), a building that ACU plans to construct. The planned SERC would include space for a potential Molten Salt Research Reactor (MSRR).

The NRC staff's evaluation of ACU's request, and its responses to ACU's questions, are provided in the enclosure to this letter. Based on the information provided in ACU's November 30, 2020, letter, the NRC staff determined that erection of the SERC could meet the 10 CFR 50.10(a)(2)(x) exclusion from the definition of "construction." The NRC staff also determined, based on the information in the letter, that whether as-built MSRR structures, systems, and components (SSCs) would be approved by issuance of a construction permit (CP), and whether they can remain without modification or removal after a CP is issued, would depend upon the information in ACU's potential CP and operating license applications for the MSRR, but in general, SSCs in place before CP issuance could be eligible to remain in place, as erected, following CP issuance, as detailed in the enclosure.

Because the information provided in ACU's November 30, 2020, letter is preliminary and does not constitute a license application, the NRC staff responses in the enclosure do not constitute either a review or approval of the design of the planned SERC or MSRR or a verification that the SERC or MSRR will be constructed or perform as described. In addition, if the actual SERC and/or MSRR differ from the descriptions and information in ACU's November 30, 2020, letter, the NRC staff's responses could vary.

If you have any questions, please contact Edward Helvenston at (301) 415-4067, or by electronic mail at Edward.Helvenston@nrc.gov.

Sincerely,



Signed by Shams, Mohamed
on 04/26/21

Mohamed Shams, Director
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Project No. 99902088

Enclosure:
As stated

cc:

Phil Schubert, Ed.D., President
Abilene Christian University
Office of the President
206 Hardin Administration Building
ACU Box 29100
Abilene, TX 79699-9100

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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REQUEST DATED: APRIL 26, 2021

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NAME	EHelvenston	NParker	MYoung	GCasto	MShams
DATE	12/30/2020	1/6/2021	4/23/2021	1/8/2021	4/26/2021

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