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Abilene Christian University  
**Nuclear Energy eXperimental Testing Lab**  
ACU Box 28208, Abilene, Texas 79699-8208  
[acunextlab.org](http://acunextlab.org)

# NEXT

August 17, 2023

Docket No. 50-610

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

Subject: Abilene Christian University Construction Permit Application  
Information Related to the Nuclear Waste Policy Act

The Nuclear Waste Policy Act of 1982 (the NWPA) specifies that the NRC may require, as a precondition to an operating license for a research reactor, that the applicant enter into an agreement with the U.S. Department of Energy (DOE) for the disposal of high-level radioactive waste and spent nuclear fuel that may result from the use of the license. Abilene Christian University (ACU) has applied for a permit to construct a research reactor. In connection with that permit application, the attached letter from DOE affirms the current good faith negotiations on a contract for the disposition of high-level waste and nuclear fuel. The attached letter is provided in response to NRC audit question 1.7-1.

If you need additional information, please contact me at [benjamin.beasley@acu.edu](mailto:benjamin.beasley@acu.edu) or Lester Towell at [lester.towell@acu.edu](mailto:lester.towell@acu.edu).

Regards,



Benjamin Beasley  
NEXT Lab Director of Licensing

Enclosure: Letter from DOE to ACU dated June 14, 2023

Cc: Michael Wentzel, Chief, NRR Advanced Reactor Licensing Branch 2  
Richard Rivera, Project Manager, NRR Advanced Reactor Licensing Branch 1  
Edward Helvenston, Project Manager, NRR Non-Power Production and Utilization Facility Licensing Branch  
Zackary Stone, Project Manager, NRR Advanced Reactor Licensing Branch 2





## Department of Energy

Washington, DC 20585

June 14, 2023

### VIA ELECTRONIC MAIL

Dr. Rusty Towell  
Director of [NEXT](#) Lab  
Abilene Christian University  
ACU Box 28208,  
Abilene, TX 79699-8208  
[rusty.towell@acu.edu](mailto:rusty.towell@acu.edu)

Re: Confirmation of Active and Good Faith Negotiations for Disposal Contract for the Abilene Christian University Molten Salt Research Reactor

Dear Mr. Towell:

I am writing to affirm that Abilene Christian University (ACU) is actively and in good faith negotiating with the Secretary of Energy for a contract under section 302(b) of the Nuclear Waste Policy Act of 1982, as amended (“NWP A”).

Although section 302(b)(1)(A)(ii) of the NWP A assigns to the Secretary of Energy the function of making the above affirmation, section 304(b) of the NWP A further provides that the director of the Office of Civilian Radioactive Waste Management (OCRWM) “shall be responsible for carrying out the functions of the Secretary under [the NWP A], subject to the general supervision of the Secretary.” In 2010, OCRWM was closed and the functions relating to the Standard Contract were assigned to the Office of the General Counsel. Those functions were later assigned by the General Counsel to my office.

DOE is reviewing the issue of the appropriate contract mechanism for ACU as an owner and generator of spent nuclear fuel and will be in contact for further discussions. The scope of this letter is limited to negotiations for a contract under section 302(b) of the NWP A and does not include topics such as preconditions for ACU to participate in Office of Nuclear Energy programs including Directed Research & Development (R&D) and University Fuel Services Programs.

Sincerely,

/s/ Constance A. Barton

Constance A. Barton  
Contracting Officer, Director  
Office of Standard Contract Management  
Office of the General Counsel

cc via email:

Jay Silberg ([jay.silberg@pillsburylaw.com](mailto:jay.silberg@pillsburylaw.com))