THE UNIVERSITY OF UTAH

DEPARTMENT OF MECHANICAL AND INDUSTRIAL ENGINEERING
MEB 3008
SALT LAKE CITY, UTAH 84112

April 12, 1984

U.S. Nuclear Regulatory Commission
Director of Nuclear Reactor Regulation
Washington, D.C. 20555

Docket 50-072/83-01

Gentlemen:

During the period 21-22 April, 1983, Mr. M.E. Murphy of the NRC, Region IV staff conducted an inspection of the University of Utah's AGN-201 Reactor, License R-25. As a result of that inspection, a notice of violation was used by that office as follows:

Failure to Conduct Required Surveillance Tests

> Technical Specifications surveillance tests 4.2.a, "Safety and Control Rod Scram Times and Average Reactivity Insertion Rates," and 4.2 g, "Period Count rate, and Power Level Channels calibration and Set Point Verification," are required to be accomplished" ...annually, but at intervals not to exceed 16 months." Technical Specifications paragraph 4.0, "Surveillance Requirements" states: "Actions specified in this section are not required to be performed if during the specified surveillance period the reactor has not been brought critical or is maintained in a shutdown condition extending beyond the specified surveillance period. However, the surveillance requirements must be fulfilled prior to subsequent start up of the reactor."

We believe the basis of this alleged violation arose from a request by the NRC (Washington) for amended data as required by our Annual Operating Report to the NRC (Technical Specification 6.9.1, License R-25) and a logical inconsistency in Section 4.2 of our Technical Specifications.

In our annual report of 1981, a discrepancy was observed by the NRC (Washington) on the excess reactivity measurement given for the AGN-201. We were requested to repeat the measurement and confirm or modify our data. The AGN-201 had been maintained in a shutdown, (nonoperational condition) since 3 March 1981 and no activities required under Section 4 of the Technical Specifications had not been performed since that



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date as permitted by Section 4 as stated in the notice of violation. On 14 July 1982 in compliance with NRC request we repeated the excess reactivity measurement for the 1981 annual report in the belief that the operation was simply a continuation (or repeat) of that specific test for the surveillance test performed on 3 March 1981. However, Mr. Murphy and Region IV maintained that surveillance requirements must be fulfilled prior to subsequent startup of the reactor to perform, it is not possible without violation of the Technical Specifications to return the reactor to operation after a long period of shutdown.

The NRC inspection report has been carefully reviewed and assessed by the reactor actor safety Committee. The committee made a proposal to amend the Technical Specifications to read "However, the surveillance requirements must be fulfilled with the subsequent initial startup operation of the reactor." Interestingly the AGN-201 Technical Specifications for R-25 are quasigeneric in nature and similar statements exists in the Technical Specifications of other AGN-201 licenses. In this regard, the licensee would appreciate advice from the NRC and an interpretation of AGN-201 Technical Specification 4.2 of license R-25 for the University of Utah. If an amendment to the Technical Specifications are required, then we are requesting such action with this letter.

Sincerely yours,

G.M. Sandquist
Reactor Supervisor

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