

January 29, 2004

Mr. Ralph Butler, Director
Research Reactor Center
University of Missouri-Columbia
Research Park
Columbia, MO 65211

SUBJECT: UNIVERSITY OF MISSOURI AT COLUMBIA — AMENDMENT
RE: MANAGEMENT ORGANIZATION (TAC NO. MC1601)

Dear Mr. Butler:

The U.S. Nuclear Regulatory Commission (Commission) has issued the enclosed Amendment No. 33 to Amended Facility License No. R-103 for the University of Missouri-Columbia Research Reactor (MURR). The amendment consists of changes to the technical specifications (TSs) in response to your application of December 19, 2003.

The amendment revises the management organization for the MURR.

A copy of the safety evaluation supporting Amendment No. 33 is also enclosed.

Sincerely,

/RA/

Alexander Adams, Jr., Senior Project Manager
Research and Test Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 50-186

Enclosures: 1. Amendment No. 33
2. Safety Evaluation

cc w/enclosures: See next page

University of Missouri-Columbia

Docket No. 50-186

cc:

University of Missouri
Associate Director
Research Reactor Facility
Columbia, MO 65201

A-95 Coordinator
Division of Planning
Office of Administration
P.O. Box 809, State Capitol Building
Jefferson City, MO 65101

Mr. Ron Kucera, Director
Intergovernmental Cooperation
and Special Projects
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Mr. Tim Daniel
Homeland Security
Suite 760
P.O. Box 809
Jefferson City, MO 65102

Test, Research, and Training
Reactor Newsletter
University of Florida
202 Nuclear Sciences Center
Gainesville, FL 32611

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ADAMS ACCESSION NO.: ML033580502

TEMPLATE #: NRR-1061

*Please see previous concurrence (TechEd - SE only)

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THE CURATORS OF THE UNIVERSITY OF MISSOURI

DOCKET NO. 50-186

AMENDMENT TO AMENDED FACILITY LICENSE

Amendment No. 33
License No. R-103

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that
 - A. The application for an amendment to Amended Facility License No. R-103 filed by the Curators of the University of Missouri (the licensee) on December 19, 2003, conforms to the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the regulations of the Commission as stated in Chapter I of Title 10 of the *Code of Federal Regulations* (10 CFR);
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance that (i) the activities authorized by this amendment can be conducted without endangering the health and safety of the public and (ii) such activities will be conducted in compliance with the regulations of the Commission;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
 - E. This amendment is issued in accordance with the regulations of the Commission as stated in 10 CFR Part 51, and all applicable requirements have been satisfied; and
 - F. Prior notice of this amendment was not required by 10 CFR 2.105 and publication of a notice for this amendment is not required by 10 CFR 2.106.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the enclosure to this license amendment, and paragraph 3.B. of Amended Facility License No. R-103 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 33, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and is to be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Patrick M. Madden, Chief
Research and Test Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Enclosure: Appendix A, Technical
Specifications Changes

Date of Issuance: January 29, 2004

ENCLOSURE TO LICENSE AMENDMENT NO. 33

AMENDED FACILITY LICENSE NO. R-103

DOCKET NO. 50-186

Replace the following page of Appendix A, "Technical Specifications," with the enclosed page. The revised page is identified by amendment number and contains a vertical line indicating the area of change.

Remove

6.1, page 2

Insert

6.1, page 2

TECHNICAL SPECIFICATION

UNIVERSITY OF MISSOURI RESEARCH REACTOR FACILITY

Number 6.1

Page 2 of 8

Date January 29, 2004

Amendment No. 33

SUBJECT: Administration (cont'd)

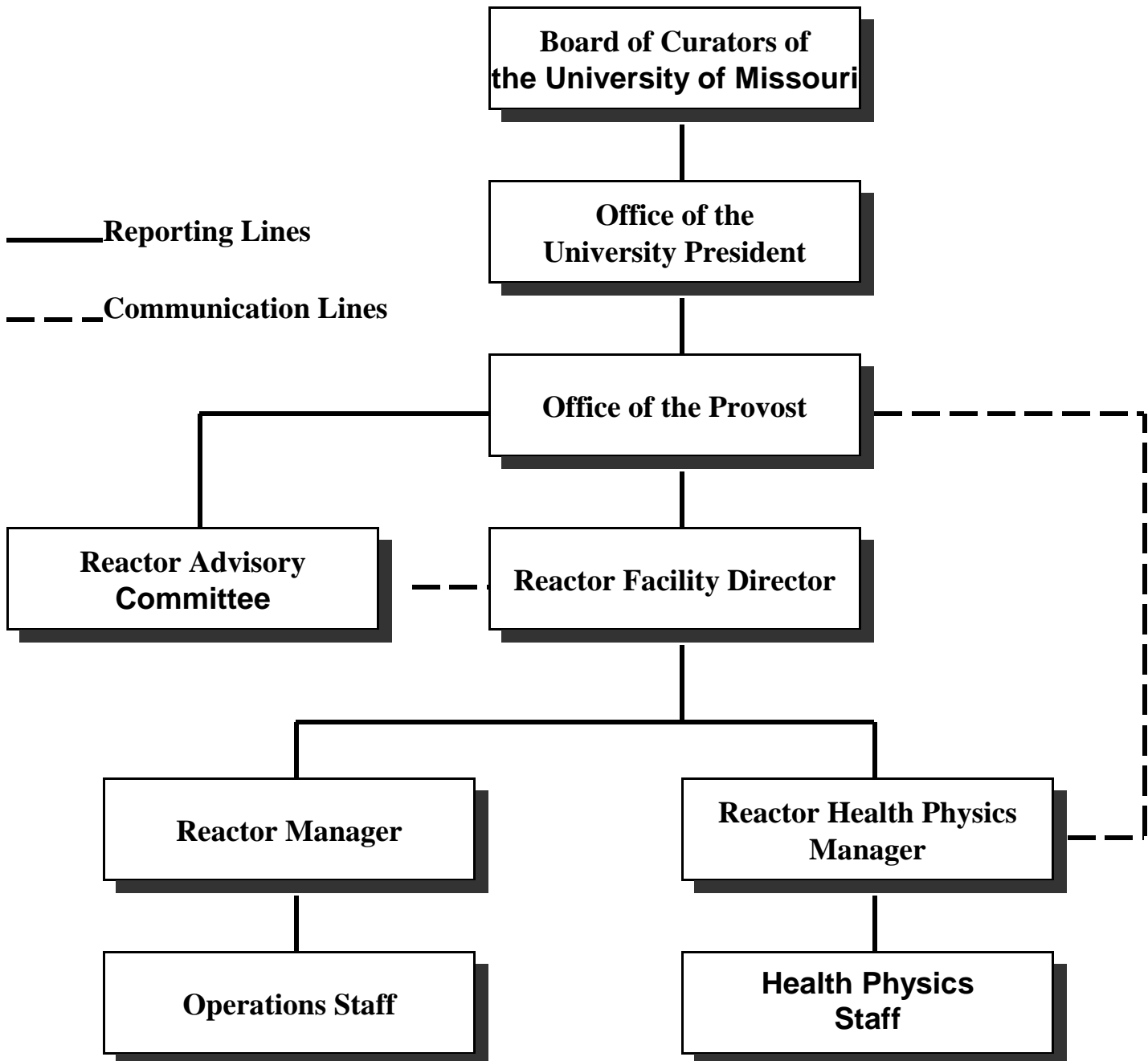


Figure 6.0

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

SUPPORTING AMENDMENT NO. 33 TO

AMENDED FACILITY LICENSE NO. R-103

THE UNIVERSITY OF MISSOURI - COLUMBIA

DOCKET NO. 50-186

1.0 INTRODUCTION

By letter dated December 19, 2003, the Curators of the University of Missouri (licensee) submitted a request for amendment to the technical specifications (TSs) in Appendix A to Amended Facility License No. R-103 for the University of Missouri at Columbia (UMC) Research Reactor (MURR). The requested changes would revise the management organization by removing the Chancellor, UMC, from the organization reporting line.

2.0 BACKGROUND

The MURR is a 10 MW(t) research reactor located on the licensee's campus in Columbia, Missouri. On December 18, 2001, the NRC initiated an investigation of UMC to determine if a former senior research scientist at the MURR facility was the subject of employment discrimination and continued retaliation by management for previous protected activities. The NRC Office of Investigations (OI) concluded in Office of Investigations Report No. 4-2001-054 that the former senior research scientist was the subject of employment discrimination and continued retaliation by management for previous protected activities.

By letter dated June 4, 2003, the NRC provided the licensee with its conclusions through issuance of an apparent violation of employee protection requirements and a synopsis of the referenced OI report. During subsequent discussions, NRC and the University of Missouri agreed in principle regarding acceptable actions that, if performed, should better ensure that personnel involved with MURR will not be subject to employment discrimination or retaliation for engaging in protected activities, including raising safety concerns. A Confirmatory Order Modifying License, Effective Immediately (Order), was issued to the licensee on December 19, 2003, to put the agreed-upon actions in place. One of the actions agreed to was a modification of the licensee's organization to better ensure that university senior management is appropriately involved in ensuring a safety-conscious work environment. Specifically, the Order states:

The licensee shall modify its chain-of-command for MURR to better ensure oversight of its activities by university senior management. It has been agreed that the modification of Figure 6.0 in the MURR Technical Specifications will reflect

MURR reporting to the Office of the Provost, who in-turn, reports to the Office of the President, University of Missouri. The requisite technical specification change shall be submitted to the NRC within 30 days of this Order and upon being granted by the NRC, shall be effective no later than 30 days after the date of the NRC's issuance of the license amendment.

The licensee has submitted changes to Figure 6.0 of the MURR TSs to meet the Order.

3.0 EVALUATION

The regulations in 10 CFR 50.36 require nuclear reactors to have TSs. The requirements for administrative controls are given in 10 CFR 50.36(c)(5). The staff has determined that the changes proposed by the licensee meet the requirements of 10 CFR 50.36.

Figure 6.0 of the MURR TSs currently has the Reactor Facility Director reporting to the Office of the Provost, which reports to the Chancellor, UMC, who reports to the University President. The University President reports to the Board of Curators of the University of Missouri.

The licensee has proposed removing the Chancellor, UMC, from the reporting chain. The licensee has also proposed that "University President" be changed to "Office of the University President" on the figure.

The licensee's proposed changes to the TSs are consistent with the guidance of the American National Standards Institute/American Nuclear Society (ANSI/ANS) standard 15.1, "The Development of Technical Specifications for Research Reactors" (ANS-15.1). ANS-15.1 is supported by the NRC staff and represents an acceptable approach for developing the administrative requirements section of research and test reactor TSs. The proposed organization is acceptable because university upper management (called Level 1 management in ANS-15.1) continues to have responsibility for the reactor. The elimination of a layer of upper management will focus the responsibility of the remaining levels of upper management.

This organizational structure is consistent with the Order. In issuing the Order, the Director of the Office of Enforcement found that the licensee's commitments were acceptable and necessary and concluded that with the commitments, the public health and safety are reasonably assured.

The NRC staff finds that the proposed changes to Figure 6.0 of the licensee's TSs are consistent with the guidance of ANS-15.1 and meets the requirements of the NRC Order to the licensee. Therefore, the NRC staff concludes that the changes to the licensee's organizational structure are acceptable.

4.0 ENVIRONMENTAL CONSIDERATION

This amendment involves changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

5.0 CONCLUSION

The staff has concluded, on the basis of the considerations discussed above, that (1) the amendment does not involve a significant hazards consideration because the amendment does not involve a significant increase in the probability or consequences of accidents previously evaluated, create the possibility of a new kind of accident or a different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety; (2) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed activities; and (3) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or the health and safety of the public.

Principal Contributor: A. Adams, Jr.

Date: January 29, 2004