



Date: April 13, 2005

Nuclear Regulatory Commission
Attn: Pat Madden, Chief
Mail Stop O12-G13
Washington, DC 20555-0001

The University of Utah, License Number R-126 Docket Number 50-407 requests an exemption to 10 CFR 2-109 requiring the submission of license renewal 30-day prior to expiration, and further requests license R-126, Docket number 50-407 be placed in timely renewal. The 30-day prior to renewal was missed for the following reasons:

1. Compliance with 10 CFR 2-109 created an undue hardship not intended by this regulation due to the limited staff (currently only two licensed SRO) and administrative change within the previous calendar year.
2. Misinterpretation of 10 CFR 2-109.

The exemption from the 30-day rule will not present:

1. An undue risk to the public health and safety and are consistent with the common defense and security. The accepted Security and Emergency plans will continue to be followed insuring protection of materials and reactor.
2. The licensee has made a good faith effort to comply with the regulation.
3. There are no good alternatives for divesting the licensee of materials held on license R-126.

The exemption will result in benefit to the public health and safety by allowing us to continue to serve the community recompensing for the delayed renewal submission.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 13, 2005.

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Reactor Administrator

cc: Marvin Mendonca

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