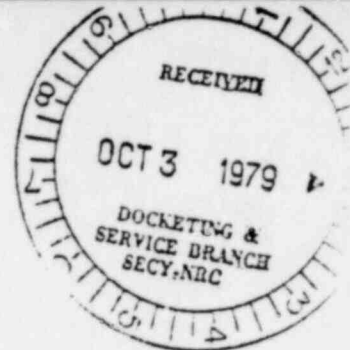


UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

PETITION OF P. KELLY FITZPATRICK
FOR EMERGENCY AND REMEDIAL ACTION



1. Pursuant to 10 C.F.R. §2.206, P. Kelly Fitzpatrick ("petitioner") hereby petitions the Director of Nuclear Reactor Regulation of the Nuclear Regulatory Commission ("NRC" or "the Commission") to (1) suspend operating license R-31, currently held by the Catholic University ("licensee") and authorizing it to operate a nuclear reactor, (2) make an immediate on-site inspection of the licensee's facilities to investigate the license violations and other safety hazards alleged herein, and (3) issue an order requiring the licensee to appear and show cause as to why its operating license should not remain suspended pending a thorough inspection, review, and approval by the NRC of the licensee's reactor and related facilities, operating and materials handling procedures, and physical security program. The requested relief is necessary to remedy past actions and continuing practices by the licensee which appear to present a serious threat to the health and safety of persons living and working in the Washington, D.C. area, particularly those in proximity to Catholic University. In some cases these acts and practices violate directly the terms of the University's operating license; other incidents are of unknown legality but demonstrate at best gross disregard for

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self-evident principles of reactor safety and nuclear materials handling. Each incident is described more fully below and supported by documentary and other evidence in the possession of the petitioner.

2. The petitioner resides at 1325 Quincy St., N.E., Washington, D.C., within one-half mile of the Catholic University campus, where she is a full time student. From 1978 to 1979 she was employed by the University, where she worked for the Office of Campus Security. In connection with her employment with the Office of Campus Security she obtained direct and indirect information regarding apparent misuse of the reactor facilities and mishandling of nuclear materials. Specifically, it is alleged that:

3. During the night of August 9-10, 1979, a security officer on patrol noticed gasoline fumes in the reactor room, located in the basement of the Pangborn building. No corrective action was taken until approximately nine o'clock the next morning, when a pool of gasoline was discovered on the floor of the reactor room. It was later learned that the gasoline had leaked from a portable air compressor which was being stored in the reactor room. The compressor had been placed in the room by a workman who was not employed by the University. It is not known how or why this individual obtained access to the facility. The spill was subsequently cleaned up and the compressor removed. Section 16-4 of the Technical Specificat-

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ions appended to the University's operating license for the reactor specifically prohibits the storage of explosive materials within the confines of the facility. This incident thus appears to constitute a patent violation of the terms of the license.

4. The Technical Specifications appended to the license also provide, in §16.4, that nuclear fuels and nuclear fueled experiments must be stored in a locked safe within the reactor room. However, spent nuclear fuel from the reactor in currently being stored in a chemistry laboratory on campus. Moreover, petitioner has in her possession documents showing that the licensee is planning, or was planning within the past few months, to store spent nuclear fuel within the personal office of Dr. P. W. Chang. Some modification of Dr. Chang's office for this purpose has been suggested in connection with this proposal. These practices and/or plans appear to constitute further direct violations by the licensee of the specific requirements of its operating license.

5. Petitioner has witnessed the receipt of shipped radioactive material by persons not authorized to possess it. Petitioner has been told of at least one instance in which a shipment of radioactive tritium was accepted by an academic office within the University and not delivered to the appropriate offices for several days. Petitioner alleges generally the licensee's lack of coordinated and safe procedures for receiving and handling radioactive substances.

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6. The reactor room is without surveillance devices, burglar alarms, or other equipment which would detect the entry or presence of a burglar or vandal. Because the contents of the licensee's security program is not publicly available, it is not known whether such equipment is required.

7. Petitioner is unaware of the extent or gravity of the health and safety hazards presented by the incidents and circumstances described above. It appears, however, that in at least two cases the licensee has violated the express terms of the operating license issued it by the Commission. Cumulatively, these incidents indicate a threat of not only an operating accident and consequent release of radiation, but also the real possibility that nuclear materials might be diverted or the reactor itself sabotaged. In addition, there is no reason to assume that over the many years in which the licensee has owned and operated the reactor there have not been other, perhaps more serious violations.

8. On behalf of herself and other students and residents in the vicinity of the licensee's reactor, Petitioner requests that the Commission, pursuant to its obligations under the Atomic Energy Act, (1) suspend immediately the University's operating license, (2) conduct a prompt inspection of the licensee's facilities to determine the existence of any immediate hazards, (3) prevent the licensee from resuming reactor operations until it has appeared before the Commission and

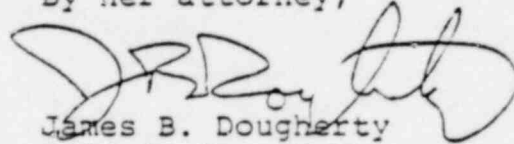
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demonstrated that the reactor can and will be operated in compliance with the terms of its license and in a manner protective of the public health and safety, and (4) take any other action which it may deem necessary or appropriate.

By P. Kelly Fitzpatrick,

By her attorney,

Dated: October 3, 1979



James B. Dougherty
1416 S. St., N.W.
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(202) 452-9600

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AFFIDAVIT OF P. KELLY FITZPATRICK

I hereby allege that the facts alleged in the foregoing Petition for Emergency and Remedial Action are true and correct to the best of my knowledge and belief.

P. Kelly Fitzpatrick
P. Kelly Fitzpatrick

Subscribed and sworn to before me

this 3rd day of October, 1979

Baudouin E. Orlowski
Notary Public

My Commission Expires 3-14-84

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