

MONTGOMERY COUNTY

CITIZENS FOR NUCLEAR REACTOR SAFETY

P.O. BOX 5914 • BETHESDA, MARYLAND 20014 • (301) 365-5021

DOCKET NUMBER
PROD. & UTIL. FAC. 50-170

August 7, 1981

Samuel Chilk, Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Secretary Chilk:

My client, the Citizens for Nuclear Reactor Safety, Inc. (CNRS), hereby petitions the Nuclear Regulatory Commission for a hearing on the application for renewal of Byproducts Material License No. 19-08330-03. That license (Docket No. 6931, Renewal Application Control No. 04992) is held by the Armed Forces Radiobiology Research Institute (AFRRI) and has been extended beyond its original expiration date of September 30, 1980 pending a final decision on the renewal application. The license authorizes AFRRI to possess and use significant quantities of radioactive Cobalt-60 at its facility on the grounds of the National Naval Medical Center (NNMC) in Bethesda, Maryland.

The Petitioner, CNRS, is a Bethesda-based citizen's group (non-stock Maryland corporation) whose principal purpose is to elicit and disseminate information on the health, safety, and environmental impacts arising from the possession and use of radioactive material and operation of nuclear facilities in Montgomery County, Maryland. Its principal concern of relevance here is the health, safety, and environmental problems the renewal of AFRRI's Cobalt-60 materials license may pose for its members and for the public. Most of CNRS's members live and/or work in Montgomery County and several live and own homes in Bethesda where the cobalt storage facility is located. At least three members live five miles or less from the storage facility. As neighbors of the facility, CNRS members must live with the risks that attend the storage of one of the largest inventories of radioactive Cobalt-60 in the United States.

The Petitioner has demonstrated a responsible concern for the safety of the nuclear operations at the AFRRI facility. In December 1980 CNRS filed a Petition to Intervene in the application for renewal of AFRRI's operating license for its nuclear reactor (Facility Operating License No. R-84, Docket No. 50-170) which is housed in the same building as the cobalt storage facility on NNMC grounds. The Petitioner established standing in that proceeding to the satisfaction of the Licensing Board and proceeded to a special pre-hearing conference on May 1, 1981 after stipulating to numerous contentions with the NRC Staff and the license applicant. The parties are currently waiting for the Board to rule on the admissibility of several unstipulated contentions.

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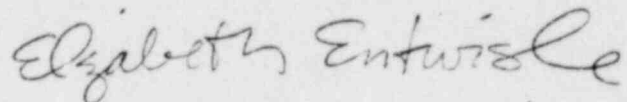
On February 4, 1981 counsel for the Petitioner had a telephone conversation (from which counsel kept written notes) with Mr. John Hickey in the NRC's Materials Licensing Branch. As head of his division Mr. Hickey has responsibility for assigning materials license reviews to Staff technical reviewers. At the time of the conversation Mr. Hickey had not yet assigned the review of License No. 19-08330-03 to anyone. He stated that since some of the issues being litigated in AFRRI's reactor re-licensing proceedings also affect the cobalt materials license, it was his intention to hold off on any decision on the renewal of the cobalt license until the reactor licensing proceedings were completed. Contrary to this expectation, counsel for the Petitioner learned yesterday that the NRC plans to take final action on the application to renew License No. 19-08330-03 before the reactor proceedings are completed. Since notice of proposed actions on materials license applications is not published in the Federal Register counsel cannot determine when and what the final decision will be. Counsel was informed by Mr. Robert W. Fonner in the NRC's Office of Executive Legal Director, in a telephone conversation August 6, 1981, that the practice for intervening in a materials license application is not well established, but that a letter to the Secretary of the Commission requesting a hearing and identifying my client and its interest would be sufficient. Mr. Fonner stated that standing need not be established in the letter.

Because the NRC is moving toward a decision on the application to renew Byproduct Materials License No. 19-08330-03 and because the issues involved in this decision are inter-related with many of the issues (e.g. emergency planning, building access, security, environmental monitoring) currently being litigated in the proceedings on AFRRI's application to renew its reactor license (Docket No. 50-170), the Petitioner requests that the NRC consolidate hearings on the two applications. Because the documents pertaining to the application for License No. 19-08330-03 can be obtained only through a Freedom of Information Act (FOIA) request the Petitioner is not able at this time to plead contentions with particularity (nor, judging from its conversation with Mr. Fonner, is it compelled to at this point). The Petitioner plans to submit a FOIA request after which it will submit specific contentions. The Petitioner plans to include contentions relating to the hazards posed by accidents in the cobalt storage facility such as the one that occurred between April 22 and May 16, 1981, when the hoist mechanism containing highly radioactive cobalt jammed above the shielding water in the storage room, exposing the cobalt with its lethal gamma radiation until the hoist mechanism was ultimately fixed. The Petitioner has reason to believe and is prepared to offer proof that the accident had the potential to escalate to an emergency necessitating evacuation of the entire AFRRI facility (including

the reactor operation) and perhaps surrounding neighborhood.

For this reason and others, the Petitioner believes that the application to renew License No. 19-08330-03 involves significant safety considerations and respectfully requests that the Commission grant a public hearing on this application by consolidating it with the ongoing proceedings on Docket No. 50-170.

Respectfully,

A handwritten signature in cursive script, reading "Elizabeth Entwisle".

Elizabeth Entwisle
Counsel for Petitioner

P.S. Mail correspondences will
be expedited if you send directly
to my address at:

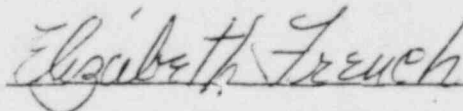
8118 Hartford Ave.
Silver Spring, MD 20910

cc: Docket No. 50-170 service list
Congressman Michael D. Barnes

AFFIDAVIT OF ELIZABETH FRENCH

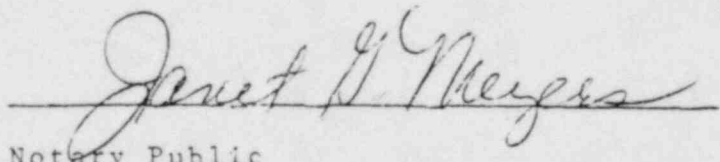
I, Elizabeth French, duly sworn, do state:

1. that I live and own a home at 8817 Chalon Drive, Bethesda, Maryland 20814, 3.0 miles from the site of the Armed Forces Radiobiology Research Institute (AFRRI) cobalt storage facility;
2. that my husband also lives and owns a home at the above address;
3. that by reason of our proximity to the AFRRI cobalt storage facility I am concerned about the consequences to the health, safety, and property interests of my husband and myself of renewing AFRRI's Byproducts Material License No. 19-08330-03;
4. that I am a member of the Citizens for Nuclear Reactor Safety, Inc. (CNRS), attest that the information contained in the accompanying letter to the Secretary of the Nuclear Regulatory Commission requesting a public hearing on the cobalt license renewal application is true and correct to the best of my knowledge, and authorize CNRS to represent me as an intervenor in such license renewal proceedings.



Elizabeth French

SUBSCRIBED AND SWORN to before me this 7th day of August, 1981.



Notary Public

My Commission Expires February 14, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	Docket No. 6931
ARMED FORCES RADIOBIOLOGY)	
RESEARCH INSTITUTE)	(Application to Renew
)	Byproduct Materials
Cobalt-60 Storage Facility)	License No. 10-08330-03)

CERTIFICATE OF SERVICE

I hereby certify that copies of Petitioner's letter to Secretary Chilk, dated August 7, 1981, and Affidavit of Elizabeth French in the above-captioned matter have been served on the following by depositing in the United States Mail, First Class, or by personal service by counsel, this 7th day of August, 1981:

Louis J. Carter, Esq., Chairman
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Atomic Safety and Licensing Board
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Administrative Judge
Lawrence Livermore Laboratory
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Mr. David R. Schink
Administrative Judge
Department of Oceanography
Texas A & M University
College Station, TX 77840

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

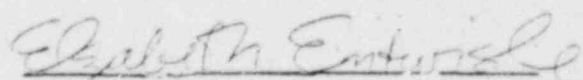
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Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory Commission
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Elizabeth Entwisle
Counsel for Petitioner