

12/24/80



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN the MATTER of
ARMED FORCES RADIOBIOLOGY
RESEARCH INSTITUTE

(AFRRI TRIGA-MARK NUCLEAR REACTOR)

) Docket No. 50-170
) Application to Renew
) Operating License
)

OPPOSITION TO PETITION FOR LEAVE TO INTERVENE

On October 3, 1980, the Armed Forces Radiobiology Institute (AFRRI) filed with the Nuclear Regulatory Commission (NRC) a timely application for renewal of Facility License No. R-84 to November 8, 2000. Notice of proceedings was duly published on November 25, 1980 in Volume 45 No. 229, Federal Register, page 78314. On December 12, 1980, AFRRI was served with a Petition for Leave to Intervene filed by the Citizens for Nuclear Reactor Safety, Inc. (CNRS). As more fully discussed below, AFRRI opposes the Petition for Leave to Intervene and contends that the Petition is insufficient to afford a basis for further proceedings thereon on the grounds that the Petitioner has failed to establish standing to intervene, the contentions set forth in the Petition are outside the scope of the renewal action under consideration, and the contentions are contrary to the manifest weight of the documented evidence of record on file with the NRC.

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CNRS HAS FAILED TO DEMONSTRATE STANDING

Although CNRS alleges that most of its members reside in Montgomery County, Maryland and that three of its members live within two-thirds of a mile of the AFRRI reactor, none of these members are further identified. While one or more of these unidentified members may well have standing, the allegations of the Petition are not sufficient to support a finding that CNRS has such standing. Moreover, neither the nature and extent of the interests cited by CNRS nor the possible effects of renewal thereon provide a viable basis for intervention. CNRS alleges that renewal would adversely affect its members' property and financial interests because they may elect to sell their homes, leave their jobs and move away. In addition to being speculative, this allegation does not support a finding of actual or potential economic injury. Since the AFRRI reactor has been operating for seventeen years, any arguable adverse impact on the value of nearby property has already occurred. Similarly, the allegations regarding routine and potential accidental discharge of effulents and radionuclides are without merit. Routine releases of effluents by AFRRI have consistently been maintained well within established public health and safety standards. The design of the TRIGA reactor precludes the type of catastrophic accident which could give rise to significant off-site release of radiation. Accordingly, CNRS has failed to demonstrate standing as an organization and failed to identify credible effects upon any cognizable property, financial, or other interest.

THE AFRRI EMERGENCY PLAN ADDRESSES ALL CREDITABLE ACCIDENTS

CNRS alleges that the design basis accidents described in the Emergency Plan submitted with AFRRI's license renewal application do not address more serious cladding failure accidents. While it is true that the Emergency Plan does not address every conceivable accident which might occur with any type of nuclear reactor, it does address the maximum creditable accidents related to AFRRI's TRIGA reactor. The design basis accidents for TRIGA reactors are well established and generally accepted throughout the scientific community. The Emergency Plan addresses each of these design basis accidents.

EMERGENCY RESPONSE CAPABILITIES AT AFRRI AND THE SURROUNDING COMMUNITY MEET ALL NRC REGULATORY REQUIREMENTS

CNRS alleges that emergency response capabilities "have not been adequately demonstrated to comply with NRC regulatory requirements." This allegation is facially insufficient to set forth a viable contention. Moreover, the emergency response capabilities as developed for the AFRRI reactor facility have been thoroughly coordinated as required by the Nuclear Regulatory Commission.

ROUTINE DISCHARGES OF RADIOACTIVE EFFLUENTS

MEET ALL NRC REQUIREMENTS

CNRS alleges that routine discharges of radioactive effluents from AFRI "have not been shown by applicant to meet NRC regulatory requirements and create unreasonable risks to the public health and safety." Contrary to this allegation the radioactive effluents released into the Montgomery County sewage system have been demonstrated in every case prior to release to be in compliance with NRC regulatory requirements. Every waste tank is specifically sampled and analyzed and a determination is made prior to the release of the waste to the sewage system that the activity is both below limits and that holding the waste tank for additional decay would not serve any useful purpose. AFRI has never been cited by the NRC based on any question of meeting these limits. To the extent to which CNRS alleges that routine discharges create unreasonable risks to the public health and safety, they are attacking the NRC standards and such attacks are outside the scope of the renewal action under consideration.

RADIOACTIVE AIRBORNE EFFLUENTS EMITTED BY AFRI

MEET NRC REGULATORY REQUIREMENTS

Once again, CNRS contends that effluents have not been shown by applicant to meet regulatory requirements and create unreasonable risks to the public health and safety. Contrary to this

allegation, airborne radioactive effluents have been continuously demonstrated to be well below the regulatory limits. Monitoring is performed at the point of effluent release and in the environs of the Institute. Two decades of data have been accumulated, all of which demonstrate absolute compliance with the regulatory limits. To the extent to which CNRS contends that these discharges create unreasonable risks to the public health and safety, they are attacking the NRC regulatory requirements and such attacks are outside the scope of the renewal action under consideration.

WATER, SOIL AND VEGETATION MONITORING IS ADEQUATE

The techniques used to analyze water, soil and vegetation samples involve the use of the most modern, state-of-the-art equipment available. Also, despite detailed and comprehensive monitoring of the reactor effluent, no radioactive material originating from the reactor has been identified which could accumulate in the environment. Consequently, the contention by CNRS is utterly without merit.

AFRRI HAS DEMONSTRATED THAT OPERATION OF THE TRIGA REACTOR WILL FULLY COMPLY WITH REQUIREMENTS OF SAFETY AND LAW

AFRRI denies that it has committed frequent and egregious breaches of safety and law in the past. In the few instances in which

AFRRI has been cited by the NRC for infractions of its regulations, AFRRI corrected the situation which lead to the infraction and demonstrated to the NRC within the time required both that the correction had been made and that the infraction would not reoccur. In each case the demonstration by AFRRI was accepted and approved by the NRC. Accordingly, there is no factual basis for the CNRS' contention that safety violations are likely to occur in the future.

THE AFRRI SITE DOES NOT CONSTITUTE A SIGNIFICANT HAZARD
TO PUBLIC HEALTH AND SAFETY

Data required by, and provided to, the NRC in conjunction with the AFRRI renewal application specifically addresses the Safety Analysis for the AFRRI reactor facility. Additionally, the AFRRI Final Safeguard Report (FSR) 1962, on file at NRC, provides a complete site evaluation which includes the meteorology, geology, hydrology, and population aspects of the site. This FSR is in the process of being updated as required and will be forwarded to NRC upon completion. AFRRI maintains that the documents on file with the NRC, in their entirety, clearly demonstrate that continued operation of the TRIGA reactor does not constitute a significant hazard to public health and safety.

THE AGING OF THE AFRRRI TRIGA REACTOR DOES NOT IMPACT UPON SAFETY

Components utilized in AFRRRI's reactor are all subject to standards and specifications. Additionally, a complete maintenance program is in effect at all times which provides a constant monitoring of the entire reactor system. This monitoring assures that any components which may have been weakened by age will be identified in ample time for repair and replacement prior to the appearance of any accident.

AFRRRI SECURITY PLANS MEET OR EXCEED ALL NRC REQUIREMENTS

An approved security plan for the AFRRRI reactor facility is on file at NRC. An updated plan prepared in accordance with the most current regulations, guidelines and standards for research reactors was prepared and submitted to NRC in May 1980 for approval as part of the AFRRRI relicensing application package. Under the provisions of 10 CFR, paragraph 2.790(d) the AFRRRI physical security plan is classified as proprietary information and is exempt from public disclosure. Nevertheless, AFRRRI maintains that its physical security plan adequately addresses all potential threats. The Cobalt-60 inventory which is maintained at the AFRRRI facility has no direct bearing on the pending application for renewal of Facility License No. R-84. However, it should

be noted that since the Cobalt facility is licensed by the NRC, it too is required to meet established security standards. Documents on file with the NRC demonstrate that the facility does meet or exceed all NRC standards as required by its license.

MANAGEMENT AND INTERNAL ORGANIZATION AT AFRRI ARE COMPETENT
TO OPERATE THE FACILITY WITHIN APPLICABLE SAFETY LIMITS

Inasmuch as AFRRI's reactor facility is licensed by NRC, AFRRI is subject to inspection and visits by NRC staff at all times. Additionally all reactor operators are required to undergo a comprehensive test administered by the NRC prior to being licensed as operators. The combination of military and civilian personnel assigned to AFRRI provides a complete, trained, and competent reactor staff, able to conduct all associated management and operational requirements. The military position of Physicist-In-Charge of the reactor is a nominated position and potential candidates' records are thoroughly reviewed before assignment. Civilian personnel assigned are subject to Civil Service hiring requirements as to job description and qualifications prior to employment. An extensive requalification program for all operators is in effect and provides a constant review for all reactor staff assigned. These and other existing management safeguards assure the continued operation of the AFRRI TRIGA reactor in accordance with all requirements of law and public safety.

ENVIRONMENTAL IMPACT APPRAISAL DATA SUBMITTED
BY AFRRI ADEQUATELY ADDRESS ENVIRONMENTAL IMPACTS

The environmental impact appraisal data submitted to the NRC were only a portion of the AFRRI license renewal application package and must be read in conjunction with the voluminous materials already on file with the NRC. In this connection, it should be noted that most of the data for environmental evaluation were already available to the NRC in the AFRRI Final Safeguard Report. It would be inappropriate for AFRRI to respond to the CNRS allegations concerning the performance of the NRC staff. We do, however, maintain that the environmental data available to the NRC demonstrate that continued operation of the AFRRI reactor will not cause a significant effect upon the quality of the human and ecological environments.

CONCLUSION

For the reasons stated, AFRRI submits that CNRS has failed to establish standing to intervene, that the contentions set forth in the Petition are outside the scope of the renewal action under consideration and that the contentions are contrary to the manifest weight of the documented evidence of record on file with the NRC. Accordingly, AFRRI requests that the Petition for Leave

to Intervene be returned without action to CNRS without prejudice to their right to submit a sufficient Petition within the time prescribed by law.

Respectfully,

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24 December 1980

CERTIFICATE OF SERVICE



I hereby certify that true and correct copies of the foregoing Opposition to Petition for Leave to Intervene were mailed this 24th day of December, 1980, by United States Mail, First Class, to the following:

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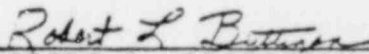
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