

POR

NUCLEAR REGULATORY COMMISSION

Docket No. 030-01786

NATIONAL INSTITUTES OF HEALTH

(License No. 19-00296-10)

RECEIPT OF PETITION UNDER 10 CFR § 2.206

Notice is hereby given that by Petition dated December 2, 1993, Arlene S. Allen, on behalf of the North Bethesda Congress of Citizens Associations, Inc. (North Bethesda Congress or Petitioner) requested that the Nuclear Regulatory Commission take action with regard to the National Institutes of Health (NIH). Petitioner requests that: (1) the NRC suspend License Condition 24, which permits NIH to dispose of licensed materials by incineration, pending resolution of two regulatory issues, specifically completion of an environmental report or environmental assessment regarding incineration of radioactive waste at the NIH Bethesda campus and monitoring to ensure that radioactive effluent releases are within regulatory limits; (2) the NRC provide Petitioner with a copy of the NRC environmental assessments and/or safety evaluations which provide the bases for License Condition 21, which exempts NIH from the sanitary sewer system limits of 10 CFR §20.303(d), and for License Condition 28, which approves the low level radioactive waste storage facility at NIH's Poolesville campus; and (3) the NRC provide Petitioner with a copy of future correspondence between the NRC and NIH regarding the Petition.

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Petitioner asserts as bases for these requests that: NIH has not completed or submitted to the NRC an environmental report regarding radiological releases from incinerators at the Bethesda campus, and the NRC has not issued an environmental assessment or impact statement regarding NIH radiological emissions, as required by the National Environmental Policy Act of 1969 and 10 CFR §§ 51.21, 51.45 and 51.60(b); licensing the disposal of radioactive waste by incineration is a federal action subject to the NEPA process; because releases from the NIH incinerators are capable of exceeding regulatory limits and will increase over the next few years, and because total radiological emissions from NIH are sufficient to warrant environmental analysis, the continued burning of radioactive waste by NIH without an environmental report and environmental assessment are in noncompliance with NRC environmental regulations; although NRC cited NIH for its failure to adequately monitor radioactive effluents and NIH committed to install instrumentation for continuous monitoring as a corrective action for having exceeded its yearly radioactive effluent release limit to unrestricted areas for 1987, no continuous monitoring for radioactive airborne effluents exists for the NIH incinerator stacks, it is not clear that the box monitoring system installed by NIH adequately detects radioactive waste, and small amounts of iodine continue to be identified in the incinerator ash, indicating that medical waste still gets into the incinerators; and it is unclear that NIH methods to assess radioactive effluent releases at


the incinerators satisfy regulatory requirements and provide assurance that Part 20 limits are being met.

Petitioner's request for suspension of NRC's authorization to dispose of licensed material by incineration pending resolution of the regulatory concerns raised by the Petition was denied by letter dated February 24, 1994. In the letter it was noted that NRC has permanently discontinued operation of two of their three incineration units, and they plan to temporarily discontinue operation of the third unit within the next month or two to upgrade the scrubber system in that unit and to produce an environmental study.

The Petition has been referred to the Director of the Office of Nuclear Material Safety and Safeguards pursuant to 10 C.F.R. § 2.206. As provided by Section 2.206, appropriate action will be taken with regard to the specific issues raised by the Petition in a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2110 L Street, N.W., Washington, D.C. 20555.

FOR THE NUCLEAR REGULATORY COMMISSION


Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Dated at Rockville, Maryland
this 24th day of February, 1994