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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION FEB 15 P3:59

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
WASHINGTON

Before Administrative Judge  
Peter B. Bloch

In the Matter of	)	
THE CURATORS OF	)	Docket Nos. 70-00270-MLA
THE UNIVERSITY OF MISSOURI	)	30-02278-MLA
	)	
(Byproduct License	)	Re: TRUMP-S Project
No. 24-00513-32;	)	
Special Nuclear Materials	)	ASLBP No. 90-613-02-MLA
License No. SNM-247)	)	

INTERVENORS' MOTION FOR ORDER IMPOSING CONDITIONS  
ON LICENSES, AND LIMITING ISSUES TO BE LITIGATED

Intervenors have contended from the beginning, and still contend, that the appropriate remedy in this proceeding is to set aside the two license amendments at issue. Recognizing the Licensee's argument that lesser remedies are available, and the failure of the Presiding Officer thus far to set aside those amendments, Intervenors have also argued, in the alternative, that, to the extent that the amendments are not being set aside, the Presiding Officer has the authority and responsibility to impose further conditions upon the licenses.

Without waiving their contention that the amendments should be set aside, Intervenors respectfully submit that the time is at hand to impose additional conditions on the licenses, to accomplish results which are no longer contested. An order imposing those conditions now would limit the issues to be litigated in the future, eliminating or reducing the need for further evidence and argument respecting certain issues, and would shorten and simplify the litigation. The Licensee's Response to Intervenors' Rebuttal, dated January 28, 1991, identifies four

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such matters which are now beyond the area of dispute.

### *1. HEPA filters*

At page 75, the Licensee has consented to an order imposing a condition providing for the installation of an additional HEPA filter in the alpha laboratory room exhaust line of the ventilation system, in such fashion that it can be tested in place.<sup>1</sup> As the Licensee says (p.74), an order imposing that condition now would moot or minimize the issue of the HEPA filter, and reduce the scope of the remaining litigation.

### *2. Sprinkler system*

At page 63 of the Response, the Licensee states that the Licensee plans to install a sprinkler system for the alpha laboratory. This sprinkler system is a fundamental part of an installation which handles plutonium. It will surely be valuable if a fire should start in the alpha laboratory. The Licensee having agreed to it, it should be imposed as a condition forthwith.

At the same time, the Presiding Officer should understand that a sprinkler system in the alpha lab will be of limited value if a fire starts elsewhere in the facility. The wood frame in the walls of the alpha lab, supposedly protected temporarily by a fire retardant wallboard inside the alpha lab, is apparently not protected on the other side in any way, and apparently there is no sprinkler system in rooms adjacent to the alpha lab. In the event of a fire which starts outside the alpha lab, the wooden framing in the walls of the alpha lab would apparently be

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<sup>1</sup> This concession is a grudging concession, inasmuch as the Licensee claims that "its independent experts" have found this HEPA filter "to be unnecessary and not required." Page 75. Whose expert was Mr. Steppen? Anyway, a grudging concession is better than none.

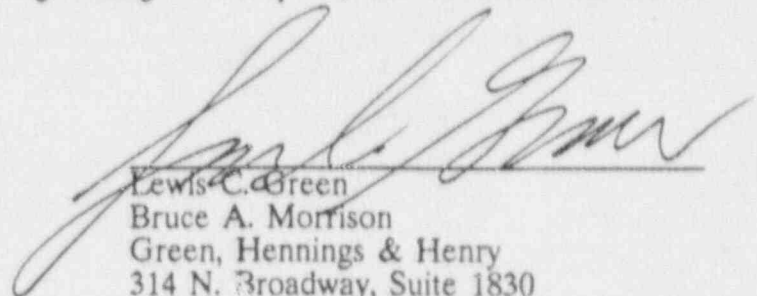
in flames, and the wallboard inside the alpha lab would collapse, before the sprinkler system in the alpha lab would turn on. By that time it might be too late for the sprinkler system to accomplish much. That is why all authorities require that the entire facility, not just the laboratory room, be sprinklered. See, e.g., Purington: "It is best to protect an entire facility with sprinklers." Industrial Fire Hazards Handbook, page 690 (NFPA 1979). But a sprinkler system in the alpha lab would be a step forward. Since this is no longer in dispute, it should be ordered now.

### 3. *Wire glass window*

At page 63, note 23, the Licensee has agreed to replace the window in the alpha laboratory with a wire glass window. This will be of limited benefit, but it is helpful, and should be ordered.

### 4. *Ten curies of americium 241*

At page 76, the Licensee states that it is willing to accept an order conditioning the americium license to a total of ten curies, rather than twenty-five. This concession will probably not simplify the litigation very much, because ten is a lot more than two, and ten are sufficient to present a substantial risk. Nevertheless, this change would clearly reduce the magnitude of the risk significantly. The Licensee being willing to accept it, the condition should be imposed now.



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CERTIFICATE OF SERVICE

True copies of the foregoing were mailed this 12<sup>th</sup> day of February, 1991, by United States <sup>Parcel Service</sup> Express mail, postage prepaid, to:

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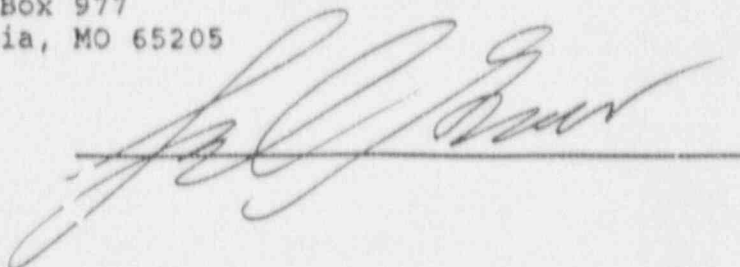
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