

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
GEORGIA INSTITUTE OF TECHNOLOGY) Docket No. 50-160
Atlanta, Georgia) License No. R-97
) EA 88-32

CONFIRMATORY ORDER MODIFYING LICENSE, EFFECTIVE IMMEDIATELY

I

The Georgia Institute of Technology (Georgia Tech) is the holder of Operating License No. R-97 issued by the Nuclear Regulatory Commission (NRC or Commission) on December 29, 1964, and subsequently amended. The license, as amended, authorizes Georgia Tech to operate its modified research reactor located on its campus in Atlanta, Georgia, at power levels up to 5 megawatts (thermal) for research and development activities in accordance with the conditions specified therein.

II

As a result of safety concerns identified during NRC inspections conducted on December 16, 1987, and January 4-5, 1988, and raised as a result of an August 1987 contamination event, an ORDER MODIFYING LICENSE, EFFECTIVE IMMEDIATELY was issued to Georgia Tech by the NRC on January 20, 1988. That ORDER required that (a) the licensee cease utilization of the reactor facility for irradiation experiments until certain listed conditions were met and the NRC approves, in writing, the resumption of irradiation experiments, and (b) the results of the licensee's survey of the house of the individual involved in the August 1987 contamination event be provided in writing to the NRC within 10 days of the Order.

Subsequent to issuing the Order of January 20, 1988, the NRC initiated an investigation of alleged improper safety-related activities associated with

the operation of the Georgia Tech Research Reactor (GTRR). That investigation is continuing.

On February 15, 1988, the President of the Georgia Institute of Technology directed the immediate suspension of all reactor operations at the Neely Nuclear Research Center which includes operation of the GTRR. He also announced that an independent evaluation of Georgia Tech's program and procedures would be performed by an outside expert.

During an Enforcement Conference on February 23, 1988, the NRC discussed a number of preliminary safety concerns that have come out of its investigation to date. These concerns, together with previously known events over the past year, give the NRC substantial concerns about the operation of the reactor. The President stated that, as evidenced by his suspension of all reactor operations, he was also concerned. He then stated that Georgia Tech would not resume any reactor operations until the independent evaluation was completed, appropriate actions were taken on recommendations from that evaluation and from an internal investigation which he had initiated, the President was assured that all safety questions were adequately resolved, and the NRC concurred in the resumption of operations.

III

Due to NRC's concerns regarding the adequacy of management of the operation of the GTRR and the ongoing investigation of safety-related matters, I have determined that these commitments are required in the interest of the public health and safety and, therefore, should be confirmed by an immediately effective order.

IV

Accordingly, pursuant to Sections 104, 161c, 161f, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission regulations in 10 CFR 2.204 and 10 CFR Part 50, IT IS HEREBY ORDERED, EFFECTIVELY IMMEDIATELY, THAT:

License No. R-97 is modified to prohibit resumption of operation of the GTRR until:

- A. The licensee has identified, based on its reviews as well as the review of its independent evaluator, the root causes of the problems that may impact on the safe operations of the reactor and provided a listing of these issues to the Regional Administrator, Region II;
- B. The President of the licensee has provided in writing to the Regional Administrator, Region II, a description of the actions taken to resolve the issues that may impact on the safe operation of the reactor and the reasons why he has determined that the suspension of reactor operations should be lifted; and
- C. The Regional Administrator, Region II, has approved in writing the resumption of reactor operations.

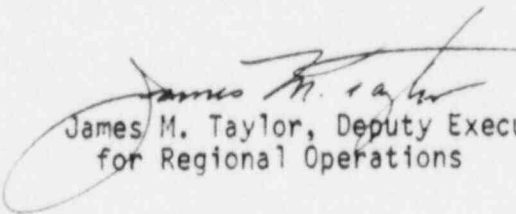
The Regional Administrator, Region II, may in writing relax or rescind any of the above conditions upon written request and demonstration of good cause by the licensee.

V

The licensee or any other person adversely affected by this Order may request a hearing on this Order within twenty days of its issuance. Any request for hearing shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies shall also be sent to the Assistant General Counsel for Enforcement at the same address and to the Regional Administrator, NRC Region II, 101 Marietta St., NW, Suite 2900, Atlanta, GA 30323. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which the petitioner's interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d). A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is requested by the licensee or any person who has an interest adversely affected by the Order, the Commission will issue an Order designating the time and place of any such hearing. If the Licensee fails to request a hearing within 20 days of the date of this Order, the provisions of this Order shall be final without further proceedings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION


James M. Taylor, Deputy Executive Director
for Regional Operations

Dated at Bethesda, Maryland
this 17th day of March 1988

Georgia Institute of Technology

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