



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

RECEIVED
OCT 15 1980

50-170

OCT 23 1980

RECEIVED
OCT 23 1980
11 7 AM
MAIL ROOM

Montgomery County Citizens
for Nuclear Safety
c/o Ms. E. Entwisle
1639 Hobart Street, N.W.
Washington, D. C. 20009

Dear Ms. Entwisle:

Your letter of September 15, 1980, to Chairman Ahearne concerning the status of the operating license renewal application for the research reactor at the Armed Forces Radiobiology Research Institute (AFRRI), Bethesda, Maryland, posed several questions. This response provides the answers in the same order as your questions.

1. The AFRRI license renewal application was received on October 3, 1980.
2. See response No. 1 above.
3. Neither the Atomic Energy Act (42 USC 2011 et. seq.) nor the NRC regulations (10 CFR Chapter 1) require a compulsory hearing for the renewal of the operating license of a research reactor. Pursuant to 10 CFR 2.105(a)(1), however, and prior to acting on the renewal, the NRC will prepare a notice of the proposed action to be published in the Federal Register. That notice of proposed action will provide that, within 30 days of its publication in the Federal Register, any person whose interest may be affected by the proceeding may file a petition for leave to intervene. If there are no requests or other requirements for a hearing none will be held.
4. As prescribed in section 2.109, if a licensee files an application for renewal at least thirty (30) days prior to the expiration of an existing license, the existing license will not be deemed to have expired until the application has been finally determined. Accordingly, AFRRI may continue to operate within the operating conditions stipulated in their current license.
5. Section 51.5(a)(1)-(9) of Volume 10, Code of Federal Regulations, lists those facilities for which the NRC must prepare an environmental impact statement (EIS) in connection with the issuance of a license. Research reactors are not among the facilities listed there. Issuance of an operating license for a research reactor does, however, fall within the category of actions set out in 10 CFR 51.5(b)(1) as possibly requiring the preparation of an EIS. Thus, as a minimum, an environmental impact appraisal (EIA) must be prepared to determine whether the proposed licensing action constitutes a major Federal action significantly affecting the quality of the human environment, thereby requiring preparation of an EIS.

8012120075

A

POOR ORIGINAL

Because renewal of an operating license is analogous to reissuance of a license, the NRC must undertake an EIA to determine whether the proposed renewal constitutes a major Federal action significantly affecting the quality of the human environment. If an EIS is found to be necessary, the NRC will publish notice of its intent to prepare such a document in the Federal Register, 10 CFR 51.6. Alternatively, if the proposed licensing action is determined not to constitute a major Federal action significantly affecting the quality of the human environment, a negative declaration to that effect will be prepared and published in the Federal Register, 10 CFR 51.7 and 51.50(d).

- It will not be necessary for your client to file a Freedom of Information Act request in order to obtain a copy of the safety and environmental analysis submitted with the renewal application. Following receipt of an application for a facility license, a copy of that application is made available for public inspection in the NRC Public Document Room, 1717 H Street, N.W., Washington, D. C., 10 CFR 2.101(a)(2). Thus, your client will be able to read the application thru and to copy those parts of interest.

We hope this information is helpful, however, if you have other questions or need additional information, please contact Mr. Hal Bernard at (301) 492-8357.

Sincerely,

Original Signed By
E. G. Case

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

DISTRIBUTION: *w/incoming
Docket Files F Schroeder
 SSPB Rdg B Synder
 NRR Rdg. R Vollmer
 H Bernard DEisenhut
 RTedesco MFudge
 LTremper NRC PDR*
 OELD, J Laverty LPDR*
 ECase EDO Rdg.
 HDenton RPurple
 PPAS TNovak
 BGrimes GLainas
 SHanauer JOlshinski
 DRoss JHeltemes
 SCavanaugh Gertter(EDO-#09639)

Handwritten notes:
 1
 index 86-1742
 OELD
 J.F. Engelhardt
 10/14/80

OFFICE	SSPB:DL:LA	SSPB:DL	SSPB:DL	AD:DL	D:DL	D:MRR
SURNAME	LTremper	H Bernard:kab	JRMilTer	RTedesco	DEisenhut	HDenton
DATE	10/19/80	10/10/80	10/21/80	10/17/80	10/20/80	10/17/80

Denton

FROM: Elizabeth Entwisle Citizens for Nuclear Reactor Safety Montgomery County		ACTION CONTROL	DATES	CONTROL NO. 09639
TO: Chairman Ahearne		COMPL DEADLINE	10/6/80	DATE OF DOCUMENT 9/15/80
DESCRIPTION <input type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER		ACKNOWLEDGMENT		PREPARE FOR SIGNATURE OF:
Questions concerning renewal of license of the Armed Forces Radiobiology Research Institute facility located on premises of the Naval Medical Center, Bethesda		INTERIM REPLY		<input type="checkbox"/> CHAIRMAN
CLASSIFIED DATA		FINAL REPLY	<i>10/1/80</i>	<input type="checkbox"/> EXECUTIVE DIRECTOR
DOCUMENT/COPY NO.	CLASSIFICATION	FILE LOCATION	<i>10-11-10</i>	OTHER: <u>Denton</u>
NUMBER OF PAGES	CATEGORY	SPECIAL INSTRUCTIONS OR REMARKS		
POSTAL REGISTRY NO.	<input type="checkbox"/> NSI <input type="checkbox"/> RD <input type="checkbox"/> FRD	Address response to: Elizabeth Entwisle 1639 Hobart St., N.W. Washington, D.C. 20009		
ASSIGNED TO:	DATE	INFORMATION ROUTING	LEGAL REVIEW	<input type="checkbox"/> FINAL <input type="checkbox"/> COPY
Denton	9/24/80	Case Schroeder	ASSIGNED TO:	NO LEGAL OBJECTIONS NOTIFY:
Eisenhut	09-25	Denton Snyder		<input type="checkbox"/> EDO ADMIN & CORRES BR
		PPAS Vollmer		EXT. _____
		Grimes		COMMENTS, NOTIFY:
		Hanauer		EXT. _____
		Hess	JCAE NOTIFICATION RECOMMENDED	<input type="checkbox"/> YES <input type="checkbox"/> NO

NRC FORM 232/ (11-75)

EXECUTIVE DIRECTOR FOR OPERATIONS

DO NOT REMOVE THIS COPY

PRINCIPAL CORRESPONDENCE CONTROL

POOR ORIGINAL

No. 80 - 1742 Logging Date 9/23/80

NRC SECRETARIAT

TO: Commissioner _____ Date _____
 Exec. Dir./Oper. _____ Gen. Counsel _____
 Cong. Liaison _____ Solicitor _____
 Public Affairs _____ Secretary _____
 _____ Inspector & Auditor _____
 _____ Policy Evaluation _____

Incoming: Elizabeth Entwisle, Attorney for
From: Citizens for Nuclear Reactor Safety in
Montgomery County
To: Chairman Ahearne Date 9/15/80

Subject: Req. information on Armed Forces Radiobiology
Research Institute (AFRI) specifically relating to
a request for license renewal.

- Prepare reply for signature of:
- Chairman
 - Commissioner _____
 - EDO, GC, CL, SOL, PA, SECY, IA, PE
 - Signature block omitted
 - _____
 - Return original of incoming with response

For direct reply* Suspense: 10/6/80

- For appropriate action
- For information

Remarks: Cy to: RF

Rec'd Off. EDO
Date... 9/24/80
Time... 12:50

For the Commission: gerry

*Send three (3) copies of reply to Secy Correspondence and Records Branch