



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

July 5, 1983

Mr. David L. Scull
Council President
Montgomery County Government
Rockville, MD 20850



Dear Council President Scull:

I have been asked by Chairman Palladino to respond to your June 14, 1983 letter concerning the ongoing license renewal proceedings for the Armed Forces Radiobiology Research Institute (AFRRI) TRIGA reactor and Cobalt-60 storage facility.

In your letter, you asked to be provided with a copy of the generic impact assessment on TRIGA reactors. That request has been forwarded to the NRC staff for a direct response. In addition, your letter detailed the four concerns that the Montgomery County Government has regarding the AFRRI facility. Since this proceeding is pending before an Atomic Safety and Licensing Board, it would be inappropriate for the Commission to express any opinion on the merits of those issues at present. We have, however, referred your letter to the NRC staff for direct reply as to its position on the issues raised.

Your letter also asked that any final disposition of the four issues about which the County is interested be postponed until such time as the County has determined whether to intervene. Under the agency's rules, Licensing Board determinations concerning the AFRRI proceeding may come before the Commission for appellate review; however, responsibility for decisions about the timing of any action that may result in disposition of any of the issues in the AFRRI proceeding rests, in the first instance, with the Licensing Board conducting the proceeding. In this regard, it is our understanding that, with the exception of emergency planning, all issues raised by intervenor Citizens for Nuclear Reactor Safety that currently are before the Licensing Board are now subject to disposition either as part of a settlement being negotiated among the parties or on motions for summary disposition filed by the NRC staff and AFRRI. With regard to emergency planning, we understand that with the NRC staff's publication of the final Safety Evaluation Report on that subject on June 10, 1983, any of the parties may file a motion for summary disposition on this issue by mid-July. Following responsive briefing on

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such a motion, that issue likewise could be subject to resolution by the Board.

The fact that any or all of the issues pending before the Licensing Board apparently could be resolved by the Board in the not-too-distant future should be borne in mind by the County in making its determination about seeking intervention in the proceeding.

Sincerely,


James A. Fitzgerald
Assistant General Counsel

cc: All parties to Docket
Nos. 50-170 & 30-6931