

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: SECY-07-0096 - POSSIBLE REACTIVATION OF  
CONSTRUCTION AND LICENSING ACTIVITIES FOR  
THE WATTS BAR NUCLEAR PLANT UNIT 2

Approved X in part Disapproved X in part Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached X None \_\_\_\_\_

/RA/  
SIGNATURE  
06/20/07  
DATE

Entered on "STARS" Yes X No \_\_\_\_\_

**Commissioner Merrifield's Comments on SECY-07-0096**  
**Possible Reactivation of Construction and Licensing Activities for the Watts Bar Nuclear Plant Unit 2**

I approve, in part, and disapprove in part the staff recommendations for licensing and inspection of Watts Bar Nuclear Plant, Unit 2 as outlined in my comments below.

I endorse the staff approach to conduct a comprehensive interdisciplinary study, a cost-benefit analysis, and a weighing of alternatives as prescribed by the NEPA that will lead to the publication of the agency's own environmental impact statement. This practice is consistent with the licensing approach taken for Watts Bar Nuclear Plant, Unit 1, the evaluation of tritium production at the Watts Bar plant in 2002, and the license renewal for the Browns Ferry units in 2006. I also endorse the staff's overall inspection approach as described in the subject paper.

I do not support the staff approach of applying the Commission policy statement on deferred plants to the unique circumstances extant with a decision to reactivate construction of Watts Bar Nuclear Plant, Unit 2. Watts Bar Nuclear Plant, Unit 2 is fairly unique in that it will likely be the only plant, deferred from the time following the Three Mile Island accident, whose operating license application could be reactivated prior to the onset of new reactor licensing under Part 52. Unit 2 was always intended to be a twin reactor unit with Unit 1, a unit which began operation in 1996. The licensing basis for Unit 1 has been updated during the years of operation by existing regulatory processes to incorporate both changes in the NRC requirements and new requirements such as sump screen requirements. Given that the licensing basis for Unit 1 is continuing to be updated to reflect contemporary requirements as part of the existing NRC oversight of power reactor performance, and because Unit 2 was to be a twin of Unit 1, I support a licensing review approach that establishes the licensing basis for Unit 2 as the current licensing bases for Unit 1. Changes to that licensing basis would be permitted only in those rare circumstances where the existing backfit rule would be met or adequate protection of public health and safety would demand.

In a June 15, 2007 memorandum from Karen Cyr, the Office of the General Counsel provided options for the Commission to consider concerning future public involvement in the potential resumption of construction and reactivation of the operating license application for Watts Bar Nuclear Plant, Unit 2. I endorse Option 3 of that paper which recommends publication of notices of further NRC safety and environmental reviews without additional notices of opportunity for hearing. I agree with the bases provided for Option 3 that concluded that the NRC has fulfilled its statutory obligations during the earlier licensing activities and that there are avenues available for any and all affected parties to meet established Commission thresholds for intervention should a reactivated application for an operating license be received for Commission review.