

October 18, 1977

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Mr. Arthur Jensen, Jr.  
Route 1  
Grandview, Tennessee 37337

In the Matter of  
Tennessee Valley Authority  
(Watts Bar Nuclear Plant, Units 1 and 2)  
Docket Nos. 50-390 and 50-391

Dear Mr. Jensen:

Your letter of September 28, 1977 requesting that the Nuclear Regulatory Commission reopen the Watts Bar Nuclear proceedings so as to assure you that the facility will be operated safely has been referred to this office for reply.

As you know construction of this facility is nearing completion as authorized by Construction Permits Nos. CPPR-91 and CPPR-92. These permits were issued following an evidentiary hearing open to the public held in Dayton, Tennessee on November 20, 1972, by the Atomic Energy Commission (now the Nuclear Regulatory Commission). The construction permits were authorized to be issued by the Atomic Safety and Licensing Board (Licensing Board) Initial Decision of December 19, 1972 (copy enclosed) only after review of the health and safety aspects and environmental aspects of the proposed facility. The Licensing Board's decision was based on the review of the Nuclear Regulatory Commission Staff's (NRC Staff) safety evaluation and the NRC Staff's independent environmental analysis. The NRC Staff conducted a complete and independent review of the Tennessee Valley Authority's (Applicant) preliminary safety evaluation report and the Applicant's environmental statement. The Licensing Board's Initial Decision contains comprehensive findings of fact and conclusions of law on both the health and safety aspects and the environmental aspects for construction and operation of the Watts Bar facility.

As part of our review leading to the issuance of an operating license for the Watts Bar facility in accordance with the Commission's standard practice, a second look is taken at the proposed application prior to issuance of the operating licenses. The health and safety aspects and environmental aspects of the application are reviewed again prior to issuance of the operating licenses. A formal procedure is provided for public participation in the process. In this regard a notice of "Receipt of Application for Facility Operating Licenses; Consideration of Issuance

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of Facility Operating Licenses and Opportunity for Hearing" was published on December 27, 1976 (copy enclosed). As stated in the notice operating licenses for Watts Bar, Units 1 and 2 will not be issued until (1) completion of a favorable safety evaluation by the NRC Staff, (2) completion of the environmental review, (3) the receipt of a report on the application for facility operating licenses by the Advisory Committee on Reactor Safeguards (an independent review body that examines nuclear plants for safety), (4) a finding by the Commission that the application for the facility operating licenses complies with the requirements of the Atomic Energy Act of 1954, and the Commission's regulations, and (5) the Commission has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. The NRC Staff's review of the facility is reflected in a safety evaluation and the NRC Staff's environmental impact statements, i.e., a draft environmental statement and a final environmental statement. These documents are still being prepared. However, we will send copies of each of these documents to you when they are published in the near future. You may submit comments on the NRC Staff's Draft Environmental Statement within forty-five (45) days of the date of publication. Any comments on the Draft Environmental Statement are considered and discussed in a Final Environmental Statement which is also published.

As set out in the December 27, 1976, notice of the application for an operating license, our review procedures allowed for interested persons to participate in the process by way of intervention pursuant to the Commission's Rules of Practice, 10 CFR Part 2 (copy enclosed). This procedure required that a petition to intervene with affidavits be filed by January 26, 1977. Such a petition to intervene was required to state the interest of the petitioner in the proceeding, how that interest would be affected by the results of the proceeding, and the specific issues on which the interested person sought intervention. One petition to intervene was received in response to the notice. It was rejected by the Atomic Safety and Licensing Board assigned to rule on such petitions because generally the person did not show she would be affected by the operation of the plant.

At the operating license review stage a hearing is not held where an issue is not raised by an interested person or the Applicant does not request a hearing. As no proper petition to intervene has been filed, and the Applicant has not asked for a hearing, there will be no hearing.

In your letter you do not state any specific reason to support your request that hearings be reopened, or any reason why an operating license should be denied. We believe that our review procedures involving

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separate safety studies by this Commission's staff and the Advisory Committee on Reactor Safeguards will assure that the Watts Bar Nuclear Plant will be safe. For these reasons, we feel that hearings on the issuance of the operating license for the Watts Bar facility would not be appropriate.

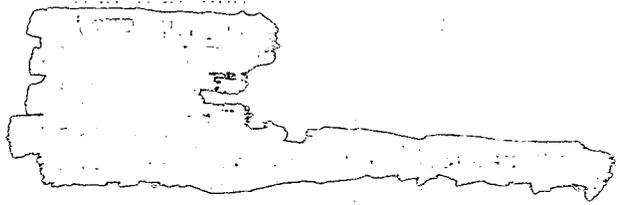
I hope this letter has answered your concerns. If I may be of any further service please feel free to contact me at (301) 492-7268.

Sincerely,

Edward G. Ketchen  
Counsel for NRC Staff

Enclosures:  
As Stated

cc: (w/o enclosures)  
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