



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 29, 1996

OFFICE OF THE
GENERAL COUNSEL

MEMORANDUM FOR: William T. Russell, Director
Office of Nuclear Reactor Regulation

FROM: *for Stephen H. Lewis*
Jack R. Goldberg
Deputy Assistant General Counsel
for Enforcement

SUBJECT: JANE A. FLEMING 2.206 PETITION REGARDING WATTS BAR
NUCLEAR PLANT

Attached is a copy of a letter dated January 25, 1996, filed with the Chairman by Jane A. Fleming requesting that the NRC take action with regard to the low-power license for the Watts Bar Nuclear Plant. Specifically, Ms. Fleming requests that a full and impartial review of the entire Watts Bar licensing process be implemented, examining the implementation of the procedures of review used by the NRC and the validity of the information presented by the licensee, and that the low-power license for Watts Bar be suspended until such review is completed and the issues in dispute are resolved. Ms. Fleming suggests that the Chairman initiate her own review of the information provided, but states that if the Chairman does not choose to initiate her own review, the letter be considered under 10 C.F.R. § 2.206. Following review of the letter by OGC, it has been determined that the letter should be handled pursuant to section 2.206.

As a basis for her request, Ms. Fleming (Petitioner) asserts that the NRC staff was not fully aware of the licensee's commitments and compliance with these commitments when it issued the licensee a fuel load and low power license on November 9, 1995. Specifically, the Petitioner asserts that a letter from Stewart D. Ebnetter, Regional Administrator, Region II, dated January 12, 1996, to Oliver Kingsley, TVA, which states that open issues regarding the radiation monitoring system for Watts Bar existed when TVA requested the operating license, raises a question as to the conclusion drawn by the NRC staff in the Supplemental Safety Evaluation Report issued in September 1995, that the system meets the acceptance criteria of the Standard Review Plan and is, therefore, acceptable.

I have attached a draft letter of acknowledgement to the Petitioner for your signature. I am also enclosing a Notice of Receipt of the Petition for publication in the *Federal Register*.

If you want the licensee to respond regarding these matters, we will assist your staff in drafting an appropriate letter. If you want more information from the Petitioner, we will be glad to assist your staff in drafting a letter requesting this information.

Contact: Richard K. Hoefling
415-1690

9602120248 960129
PDR ADOCK 05000390
P PDR

William T. Russell

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Because the staff may issue a full-power license to Watts Bar as soon as January 31, 1996, the Petitioner's request that the NRC suspend or revoke the low-power license should be treated as a request that the NRC take immediate action, and the letter of acknowledgement to the Petitioner should explain the basis for the Staff's denial of this request prior to issuance of the full-power license.

Please inform Richard Hoefling of my staff of the technical contact who will be involved in preparing a response to the Petition. Please ensure that I am provided copies of all correspondence.

Attachment: As stated

Attachments: 1. Copy of Petition
2. Draft Letter of Acknowledgement
3. Draft *Federal Register* Notice

cc w/atts: K. Cyr, OGC
M. Malsch, OGC
S. Burns, OGC
L. Chandler, OGC
S. Ebnetter, RII
C. Evans, RII

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DATE: 1/25/96
TIME: 15:34:26
PAGES: 11

TO: NRC CHAIRMAN
FAX #: 1 301 415 1672

FROM: JANE FLEMING
FAX #: 617934 2068
VOICE #: 617 934 7451

MESSAGE:

DEAR CHAIRMAN,
ENCLOSED IS A CHALLENGE TO THE VALIDITY OF THE TVA WATTS BAR LICENSE. IF I
FURTHER DOCUMENT ANY POINT, PLEASE CALL ME AT 617-934-7451.

THANK YOU.

JANE FLEMING

HARD COPY WILL FOLLOW BY MAIL.