

JUL 23 1973

Docket Nos. 50-438

and 50-439

Tennessee Valley Authority
ATTN: Mr. James E. Watson
Manager of Power
818 Power Building
Chattanooga, Tennessee 37401

Gentlemen:

Your application for authorization to construct and operate the Bellefonte Nuclear Plant, Units 1 and 2, was docketed on June 21, 1972. Docket Nos. 50-438 and 50-439 have been assigned to this application and should be referenced in all future correspondence relating to this project.

Copies of related notices, which are being transmitted to the Office of the Federal Register for publication, are enclosed.

In accordance with subsection 182.c. of the Atomic Energy Act of 1954, as amended (P.L. 91-560), a notice will also be published in Public Power, Electric Light and Power, Electrical World, Rural Electrification, and Public Utilities Fortnightly. As the text of subsection 182.c. indicates, the purpose of publication in trade journals and newspapers is to give reasonable notice to municipalities, private utilities, public bodies, and cooperatives which might have a potential interest in this facility. We have determined that publication in the above journals and in the following newspapers fulfills this purpose:

Daily Sentinel, P. O. Box 220, Scottsboro, Alabama 34768
Jackson County Advertiser, P. O. Box 669, Scottsboro, Alabama 35768
Huntsville Times, Huntsville, Alabama 35804
Huntsville News, 2117 Clinton Avenue, Huntsville, Alabama 35808
Birmingham News, Birmingham, Alabama 35202
Birmingham Post-Herald, Birmingham, Alabama 35202
Chattanooga Times, Chattanooga, Tennessee 37401
News Free Press, Chattanooga, Tennessee 37401
News Tribune, 305 East 6th Avenue, Rome, Georgia 30161

Copies of these notices are also enclosed for your information.

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The local public document room has been established at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768. A copy of the application, and other relevant documents as they become available, will be on file for public inspection. It is requested that you have one of your representatives make periodic checks of the material available and assure that revised and supplemental information is properly incorporated into the application and the Preliminary Safety Analysis Report, and that any amendments, reports, and letters which you have filed with us are available. We will send documents you file with us to the local public document room.

Sincerely,

Original Signed By
A. Schwencer

A. Schwencer, Chief
Pressurized Water Reactors
Branch No. 4
Directorate of Licensing

Enclosures:

1. Federal Register Notices
2. Journal and Newspaper Notices

cc: Robert H. Marquis, Esquire
629 New Sprankle Building
Knoxville, Tennessee 37919

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UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NOS. 50-438 AND 50-439

TENNESSEE VALLEY AUTHORITY

NOTICE OF RECEIPT OF APPLICATION FOR CONSTRUCTION PERMITS

AND FACILITY LICENSES

AND AVAILABILITY OF APPLICANT'S DRAFT ENVIRONMENTAL STATEMENT:

TIME FOR SUBMISSION OF VIEWS ON ANTI-TRUST MATTER

The Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on May 14, 1973. Following a preliminary review for completeness, it was accepted on June 14, 1973 for docketing.

The proposed nuclear facility, designated by the applicant as the Bellefonte Nuclear Plant, Units 1 and 2, is located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each unit is designed for initial operation at a core power level of 3413 megawatts (thermal), and a gross electrical output of 1329 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 4, 1973. The request should be filed in connection with Docket Nos. 50-438-A and 50-439-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a Draft Environmental Statement (in lieu of an environmental report) since TVA like other Federal agencies is subject to the requirements of Section 102 of the National Environmental Policy Act of 1969. The Statement (report) has been made available for public inspection at the aforementioned locations. The Statement, which discusses environmental considerations related to the proposed construction of the Bellefonte Nuclear Plant, Units 1 and 2, is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104 and Top of Alabama Regional Council of Governments, P. O. Box 308, City Hall 6th Floor, Huntsville, Alabama 35801.

After TVA's Statement has been analyzed by the Commission's Director of Regulation or his designee, an AEC Draft Environmental Statement will be prepared in accordance with the Commission's procedures in Appendix D to 10 CFR Part 50. Upon preparation of the AEC Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability requesting comments from interested persons. The summary notice will also state that comments of Federal agencies and State and local officials on the AEC Statement will be made available when received.

Dated at Bethesda, Maryland, this **23** day of **JUL** 1973.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed By
A. Schwencer

A. Schwencer, Chief
Pressurized Water Reactors
Branch No. 4
Directorate of Licensing

UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NOS. 50-438 AND 50-439

TENNESSEE VALLEY AUTHORITY

BELLEFONTE NUCLEAR PLANT, UNITS 1 AND 2

NOTICE OF RECEIPT OF APPLICATION FOR
CONSTRUCTION PERMITS AND OPERATING LICENSES

The Tennessee Valley Authority, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application, which was docketed on June 21, 1973, for authorization to construct and operate two pressurized water nuclear reactors designated as the Bellefonte Nuclear Plant, Units 1 and 2, on the applicant's site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each reactor is designed for an initial output of 3413 megawatts thermal, with an equivalent gross electrical output of 1329 megawatts.

Information in connection with the antitrust review of the application can be obtained by writing to the U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing. Refer to Docket Nos. 50-438-A and 50-439-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
TENNESSEE VALLEY AUTHORITY) Docket Nos. 50-438 and 50-439
(Bellefonte Nuclear Plant, Units 1)
and 2)

NOTICE OF HEARING ON APPLICATION
FOR CONSTRUCTION PERMITS

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Tennessee Valley Authority (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Bellefonte Nuclear Plant, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3,413 thermal megawatts with a gross electrical output of approximately 1,329 megawatts. The proposed facilities are to be located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. The hearing will be held in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission) or the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to its membership will be published in the FEDERAL REGISTER.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues Pursuant to the Atomic Energy Act of 1954, as Amended

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):
 - (a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;
 - (b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;
 - (c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;
3. Whether the applicant is financially qualified to design and construct the proposed facilities; and
4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory

staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be

appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR § 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated June 19, 1973, and amendments thereto, and TVA's Draft Environmental Statement, which was submitted in lieu of an environmental report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama for inspection by members of the public. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the

transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than September 4, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate

as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., not later than September 4, 1973.

A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a)(1)-(4) and § 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705, must be filed by the applicant not later than August 23, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Robert H. Marquis, Esquire, 629 New Sprankle Building, Knoxville, Tennessee 37919, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

UNITED STATES ATOMIC ENERGY COMMISSION

By Original Signed By
Gordon M. Grant
Gordon M. Grant
Acting Secretary of the Commission

Dated at Germantown, Maryland
this 30th day of July 1973.

NOTICE OF OPPORTUNITY FOR PUBLIC PARTICIPATION
IN AEC PUBLIC HEARING ON
BELLEFONTE NUCLEAR PLANT, UNITS 1 AND 2

The Atomic Energy Commission will hold a public hearing to be conducted by an Atomic Safety and Licensing Board to determine whether construction permits should be issued to Tennessee Valley Authority authorizing construction of the proposed Bellefonte Nuclear Plant, Units 1 and 2 in Jackson County. The hearing will be held in the vicinity of the proposed facilities at a time and place to be set later. Issues to be considered at the hearing include both radiological safety and environmental. These issues are specified in a FEDERAL REGISTER notice published on August 3, 1973.

Members of the public who wish to participate in the hearing may do so in one of two ways:

1. They may request a limited appearance. Persons granted limited appearance do not become parties to the proceeding but may state positions and raise questions which they would like to have answered to the extent that the questions are within the scope of the hearing and are permitted by the Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by September 4, 1973. Limited appearances at the public hearing are granted by the Licensing Board at the time of the hearing.

2. They may petition for leave to intervene. Persons permitted to intervene become parties and have the right to participate in the conduct of the hearing. For example, they may present evidence and examine and cross-examine witnesses.

Persons whose interests may be affected by the proceeding who wish to participate as parties must file a petition for leave to intervene under oath or affirmation setting forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the above-referenced FEDERAL REGISTER Notice and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by September 4, 1973. A copy of any petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Robert H. Marquis, Esquire, 629 New Sprankle Building, Knoxville, Tennessee 37919, attorney for the applicant.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and which specifies with factual particularity the interest and contentions of petitioner with regard to each aspect on which intervention is requested.

All petitions will be acted upon by the Licensing Board. Those petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

A copy of the FEDERAL REGISTER Notice is on file for public inspection at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama and the Commission has arranged for other documents and correspondence relating to the licensing of these facilities to be kept at the same location.