

NOV 7 1973

Docket Nos. 50-259, 50-260,  
50-296, 50-327, 50-328,  
50-390, 50-391, 50-416,  
50-417, 50-438 ~~-----~~ ~~////~~  
and 50-439

Mr. William E. Garner  
Route 4, Box 277A  
Scottsboro, Alabama 35768

Dear Mr. Garner:

This is in reply to both your letters of August 30, 1973, regarding several Tennessee Valley Authority nuclear facilities.

With respect to your letter dealing with the preparation of environmental statements for TVA's Browns Ferry, Sequoyah and Watts Bar facilities, the letter to you from the Deputy Director for Reactor Projects dated July 9, 1973, summarizes the procedures followed in the preparation of these environmental statements. These procedures are recognized in the Council on Environmental Quality's Guidelines which were published in the Federal Register (Federal Register, Vol. 36, No. 79, pp. 772 et seq, April 23, 1971). Pursuant to these Guidelines, in situations where more than one Federal agency is involved in a major federal action subject to the provisions of the National Environmental Policy Act of 1969, one agency may be designated as the "lead agency" for the preparation of the requisite environmental statement. In the Browns Ferry, Sequoyah and Watts Bar proceedings, TVA was designated as the lead agency responsible for the preparation of the statements.

As the above referenced letter states, in future applications from TVA, the AEC intends to prepare its own environmental statements. This procedure will also be followed with respect to applications for operating licenses for the Sequoyah and Watts Bar facilities to the extent that environmental matters may differ from those considered at the construction permit stage. With respect to the Browns Ferry facilities the procedures recognized in the Council on Environmental Quality's Guidelines discussed above will be followed.

In one of your letters you asked to be advised why construction at the Sequoyah Nuclear Plant was permitted to proceed prior to completion of the environmental statement. Construction permits for the Sequoyah Nuclear

DISTRIBUTION:  
Docket Files  
DR, L & RP Reading  
AEC PDRS  
Local PRDs  
EP-1, 2 & 4 Reading  
AGiambusso  
MGroff  
Ertter(DR-6160 & 6161)  
EHughes  
DRMuller  
GKnighton  
ALyle  
OGC  
Chairman Ray (2)  
LMMuntzing  
LVGossick  
John F. O'Leary  
J. Felton

Plant, Units 1 and 2 (CPPR-72 and CPPR-73), were issued May 27, 1970, in accordance with Federal Regulations then in effect. On September 9, 1971, the AEC published additional regulations for implementation of NEPA (1969) as Appendix D (Revised), 10 CFR Part 50. Paragraph E(3) of this Appendix requires the holder of a construction permit issued after January 1, 1970, and before September 9, 1971, to furnish to the AEC within 40 days of September 9, 1971, a written statement of any reasons, with supporting factual submission, why, with reference to the criteria in Paragraph E(2) of Revised Appendix D, the permit should not be suspended, in whole or in part, pending completion of the NEPA environmental review. On October 15, 1971, the TVA provided the required statement.

On November 23, 1971, after staff review, the Division of Reactor Licensing published its "Determination," in accordance with the requirements of Section E, Appendix D (Revised), 10 CFR Part 50, that construction permits for Sequoyah Nuclear Plant, Units 1 and 2, should not be suspended. Therefore, construction at the Sequoyah Nuclear Plant in conformance with Commission regulations, was permitted to proceed.

With respect to your expressed concerns regarding responses from the Regulatory staff to your past letters, several points must be made. Because of the staff's very heavy workload in evaluating the safety and environmental impacts of license applications, it is not always possible to deal as promptly as we would desire with incoming correspondence from members of the public. Furthermore, your letters dealt with matters relating to licensing proceedings in which you represented clients.

It is regrettable that you consider certain of these responses to be evasive. They were certainly intended to be fully responsive to your inquiries. If in your opinion they were not, then the matter should be discussed with the staff or with its attorneys assigned to represent the staff in those licensing proceedings in which you have an interest.

In this connection and for your future assistance the Deputy Director for Reactor Projects has suggested that inquiries regarding those licensing proceedings in which you are interested be directed to William Paton, Esq., of the Office of the General Counsel, with whom you are acquainted. He has been designated to coordinate responses to any inquiries you may have. The establishment of this point of contact is, of course, not intended to foreclose your corresponding with any other person within the AEC. We have merely suggested Mr. Paton as a contact in the spirit of helpfulness.

Finally, we come to your complaint that members of the AEC staff have refused to provide you with information to which you were entitled under the

Mr. William E. Garner

Freedom of Information Act. We have endeavored without success to locate in our correspondence files requests from you for such information. Mr. A. Giambusso, Deputy Director for Reactor Projects, does, however, recall a telephone request from you of August 14, 1973, for "everything in the files" relating to the Bellefonte Nuclear Plant. At that time, Mr. Giambusso directed you to Joseph Scinto, Esq., Assistant Chief Hearing Counsel, for assistance. Mr. Scinto subsequently informed you that such a request would be addressed if presented formally under appropriate provisions of the Commission's regulations.

Thank you for your interest in these matters.

Sincerely,

Original signed by  
E. G. Case

Edson G. Case  
Deputy Director of Licensing

Enclosure:  
List of addresses of  
Public Document Rooms

GA

10/16

11/16

GRESS OFFICE	EP-1	L:DDRP	LDR	DR		
T-6138 R 6-8 SURNAME	Aylehem	AGiambusso	TO Leahy	GMuntzing		
10/12/73 DATE	10/12/73	10/11/73	10/11/73	10/7/73		

Enclosure 1

ADDRESSES OF PUBLIC DOCUMENT ROOMS FOR  
BROWNS FERRY, SEQUOYAH, AND WATTS BAR NUCLEAR PLANTS

PDR, USAEC, Docket Numbers 50-259, 260, 296, 327 and 328  
1717 H Street N.W. 50-390 and 391  
Washington, D. C. 20545

PDR, Browns Ferry Nuclear Plant, Units 1, 2 and 3  
Docket Numbers 50-259, 260, 296  
% Ms. Maude Miller, Librarian  
Athens Public Library, South and Forrest Streets  
Athens, Alabama 35611

PDR, Watts Bar Nuclear Plant, Units 1 and 2  
Docket Numbers 50-390 and 391  
% Mrs. Vivian Coxey, Librarian  
Dayton Public Library, First Avenue  
Dayton, Tennessee 37321

PDR, Sequoyah Nuclear Plant, Units 1 and 2  
Docket Numbers 50-327 and 50-328  
% Miss Kathryn Arnold, Librarian  
Chattanooga Public Library  
601 McCalley Street  
Chattanooga, Tennessee 37403