

FEB 13 1974

William E. Garner, Esq.
Route 4, Box 354
Scottsboro, Alabama 25768

In the Matter of Tennessee Valley Authority
(Bellefonte Nuclear Plant, Units 1 and 2)
Docket Nos. 50-438 and 50-439

Dear Mr. Garner:

I think we made substantial progress at our meeting on Monday, January 28, 1974. Copies of 12 proposed contentions written at that meeting are attached. I think we covered all the principal concerns expressed in your Amended Petition. You stated that you would prepare several additional proposed contentions relating to: (1) Technical and financial qualifications of TVA (Contentions 46, 47, 50, 51 and 53 as set out in your Amended Petition); (2) Technical qualifications of Babcock and Wilcox (Contention 44 as set out in your Amended Petition); (3) Effect of transmission lines (Contention 54 as set out in your Amended Petition); and (4) Effect of the plant on future use of your remaining property (Contentions 67, 68 and 69 as set out in your Amended Petition).

As soon as you have had an opportunity to review the attached please call. As you know, Mrs. Bowers wants me to advise her on our progress in reaching a stipulation so she can consider a date for the next prehearing conference.

At our meeting you indicated a desire to have the AEC Draft Environmental Statement furnished to several agencies you stated you would designate later. Please identify those State agencies to which you want us to send copies.

Sincerely,

William D. Paton
Counsel for AEC Regulatory Staff

Enclosure:
12 proposed contentions

cc w/o enclosure:

cc w/o enclosure:

Robert H. Marquis, Esq.
David G. Powell, Esq.
Mr. Aubrey V. Godwin
Mr. Elisha C. Poole, Esq.
Atomic Safety and Licensing
Appeal Board
Atomic Safety and Licensing
Board Panel
Mr. Frank W. Karas

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OFFICE >	OGC <i>WDP</i>					HEAR: 108
SURNAME >	WD Paton: cb C Barth <i>MB</i>					
DATE >	2/13/74					

Intervenors contend that TVA does not have possessory rights in the property of the proposed site which would enable it to meet the requirements of 10 CFR Part 100 with respect to authority to determine all activities within the exclusion area. Intervenors contend that for this reason, the application is fatally defective and should be denied, or in the alternative, that no construction permit may be issued until TVA obtains possessory rights which will satisfy the requirements of 10 CFR Part 100 with respect to exclusion area and until such rights are finally determined by either agreement of the parties to the condemnation proceeding or by determination of any court to which the condemnation proceeding could be appealed. In the event TVA obtains possessory rights which are stayed on appeal, no construction permit should be issued until that appeal is finally determined. Intervenors further contend that the right to condemn the property which is the subject of the site is before the U.S. District Court and should not be relitigated before the instant U.S. Atomic Energy Commission Licensing Board, but that this board should give due recognition to the status of the proceedings in the U.S. District Court.

(This covers or is in lieu of paragraph 39 of your Amended Petition.)

Intervenors contend that the environmental impact of radiological releases at the projected levels on the fauna in the area have not been adequately assessed in that there is no assessment of the biological damage resulting from exposure to such animals as nearby beef cattle, swine and fish.

(This covers or is in lieu of paragraph 22 of your Amended Petition.)

Intervenors contend that the environmental impact of radiological releases at the projected levels have not been adequately assessed in that:

- (a) the Tennessee River water is used for drinking purposes in downstream towns and cities and this has not been adequately considered, and
- (b) there is inadequate consideration of accumulation of radioactive material in elements in the food chain of various groups of the surrounding population including children and pregnant women.

(This covers or is in lieu of paragraphs 22, 23, 33 and 37 of your Amended Petition.)

Intervenors contend that the proposed facilities will not comply with the "as low as practicable" requirements of 10 CFR Parts 20 and 50, in that the state of the art technology is available which could reduce releases below those projected for the proposed facilities.

After discovery intervenors will specify particular systems or components which it alleges are available state of the art technology which can reduce releases projected for the proposed facilities.

(This covers or is in lieu of paragraphs 21, 31 and 42 of your Amended Petition.)

Intervenors contend that there is no valid "need" for the power to be supplied by the proposed facilities in that TVA's projections are seriously overstated, including the needs projected on the basis of development projections by TARCOG and the Alabama Development Office and are based on a continued rate structure which is intended to encourage further large scale industrial consumption of such power. Intervenors contend that TVA should instead employ techniques which encourage the conservation of electric energy, including a rate structure based on actual cost of increased power supplies.

(This covers or is in lieu of paragraphs 17 and 51 of your Amended Petition.)

Intervenors contend that the costs and benefits associated with the facilities should be restricted to the Tennessee Valley Authority service area and/or the State of Alabama. On this basis, the costs substantially outweigh the benefits in that the bulk of the power to be supplied by the proposed facilities will be for sale outside the Tennessee Valley and/or the State of Alabama.

Intervenors contend that proposed transmission lines will adversely effect present and future land use values in that they pass adjacent to historic structures in the area and adjacent property planned for urban residential and commercial development. Such lines will constitute an esthetic disruption to such historic structures and residential areas and the power lines will cause electro-magnetic interference (by ozone production) to future residential and commercial development of the area.

(This covers or is in lieu of paragraph 49 of your Amended Petition.)

Intervenors contend that proposed rail lines are routed close to historic areas of the town of Bellefonte and will be an adverse esthetic impact.

Intervenors contend that alternative methods of producing energy, including a fossil fueled facility, a facility utilizing gas from coal gasification, are practicable and preferable to the proposed Bellefonte facilities.

(This covers or is in lieu of paragraphs 26 and 30 of your Amended Petition.)

Intervenors contend that TVA should utilize alternative sources of satisfying at least part of the energy demands by encouraging the use of solar energy devices including solar heating devices.

Intervenors contend that TVA did not give adequate consideration to alternative siting away from a major body of water in that they did not consider utilizing techniques developed by Bechtel at the Rancho Seco facility.

(This covers or is in lieu of paragraph 35 of your Amended Petition.)

Intervenors contend that TVA will violate the Federal Water Pollution Control Act and the federally approved Alabama Water Quality Standards by degradation of Town Creek and as a result of the construction of a cause-way across the creek and also by violation of the federally approved Alabama Temperature and Dissolved Oxygen Standards as a result of the discharge of heated cooling water to the Tennessee River and that necessary conditions to assure compliance must be included in the construction permit.

(This covers or is in lieu of paragraphs 22 and 37 of your Amended Petition.)