

MAY 16 1978

Docket No. 50-305

The Honorable Gaylord Nelson
United States Senate
Washington, D. C. 20510

Dear Senator Nelson:

I am pleased to respond to your May 1, 1978 letter concerning a petition filed by Safe Haven, Ltd., requesting a hearing on an amendment to the Kewaunee operating license which would allow an increase in the spent-fuel storage capacity at the plant. You indicate that you have determined that Safe Haven has tried to follow all existing regulations by which to formally request a hearing on the Kewaunee Plant, and that you believe the NRC should commence a hearing in the plant's vicinity.

Mary Lou Jacobi filed a petition to intervene on behalf of Safe Haven and Lakeshore Citizens for Safe Power on April 24, 1978, which is currently pending before an Atomic Safety and Licensing Board for decision. In light of the confusion resulting from the correspondence between the NRC and Mrs. Schaefer, a member of Safe Haven, the NRC Staff, in responding to Safe Haven's petition, agreed with you that Safe Haven should not be prejudiced for filing its petition late. The NRC Staff, however, stated that the petition must otherwise conform to the Commission's regulations regarding interest and specificity of subject matter which establish the need for a public hearing. The NRC Staff urged the Board to afford Safe Haven two weeks to remedy the substantive defects in their position.

On May 12, 1978, the Licensing Board issued a Memorandum and Order granting Safe Haven 14 days to supplement their petition to comply with the regulations. Attorneys for the NRC Staff have contacted representatives of Safe Haven and have offered them assistance in pursuing their interests in the matter and in fulfilling the requirements of the NRC regulations. I hope this has been responsive to your concerns.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Assistant Executive Director
for Operations

DISTRIBUTION
Reg. Cent., LPDR
Secy. (78-0669)
EDO (03785)
OGC Shapar/Engelhardt
PE Grossman
OCA (3) JTourtellotte
D&SS (3) JLawrence
ELD FF(2) H 2 671

OFFICE	ELD	ELD	ELD	ELD	EDO	OCA	
SURNAME	See previous yellow copy for concurrences.					5/15	3/16/78
DATE							

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United States Senate
Washington, D. C. 20510

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The Licensing Board, after considering the views of the licensee and the NRC Staff regarding the adequacy of any petitions for leave to intervene which are filed, will decide what further action will be taken in the matter. I hope this has been responsive to your concerns.

Sincerely,

DISTRIBUTION
Reg. Cent., LPDR
Secy. (78-0669)
EDO (03785)
OGC
PE Shapar/Engelhardt
OCA (3) Grossman
D&SS (3) JTourtellotte
ELD FF (2) JLawrence

OFFICE ➤	OELD <i>WLD</i>	OELD <i>WLD</i>	OELD <i>WLD</i>	OELD <i>WLD</i>	EDO <i>WLD</i>	OCA
SURNAME ➤	JLawrence	JTourtellotte	MGrossman	TEngelhardt	<i>WLD</i>	
DATE ➤	5/1/78	5/1/78	5/1/78	5/1/78	5/12/78	

FROM:		ACTION CONTROL		DATES		CONTROL NO.	
JAN. 1978		COMPL DEADLINE		1/17/78		03785	
TO:		ACKNOWLEDGMENT				DATE OF DOCUMENT	
		INTERIM REPLY				1/17/78	
		FINAL REPLY				PREPARE FOR SIGNATURE OF:	
		FILE LOCATION				<input type="checkbox"/> CHAIRMAN <input type="checkbox"/> EXECUTIVE DIRECTOR OTHER: <u>1/17/78</u>	
DESCRIPTION		<input checked="" type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER		SPECIAL INSTRUCTIONS OR REMARKS			
Re petition filed by John Rayon, Ltd. requesting a hearing on the storage of spent fuel at Seabrook							
CLASSIFIED DATA							
DOCUMENT/COPY NO.		CLASSIFICATION					
NUMBER OF PAGES		CATEGORY					
POSTAL REGISTRY NO.		<input type="checkbox"/> NSI <input type="checkbox"/> RD <input type="checkbox"/> FRD					
ASSIGNED TO:	DATE	INFORMATION ROUTING	LEGAL REVIEW		<input type="checkbox"/> FINAL <input type="checkbox"/> COPY		
1/17/78	1/17/78		ASSIGNED TO:	DATE	NO LEGAL OBJECTIONS NOTIFY:		
					<input type="checkbox"/> EDO ADMIN & CORRES BR _____ EXT. _____		
					COMMENTS, NOTIFY:		
					_____ EXT. _____		
			JCAE NOTIFICATION RECOMMENDED: <input type="checkbox"/> YES <input type="checkbox"/> NO				

78-0669

Logging Date 5/8/78

NRC SECRETARIAT

TO: ☐ Commissioner _____ Date _____
☒ Exec. Dir./Oper. ☐ Gen. Counsel
☐ Cong. Liaison ☐ Solicitor
☐ Public Affairs ☐ Secretary
☐ _____

Incoming: Gaylord Nelson, USS
 From: Committee on Human Resources

To: Kammerer Date 5/1/78

Subject: Re: XX Hearings for KW Kawaunee nuclear power plant.

☒ Prepare reply for signature of:

☐ Chairman

☐ Commissioner _____

☒ EDO, GC, CL, SOL, PA, SECY Date due May 17

☐ Signature block omitted

☐ _____

☐ Return original of incoming with response

☐ For direct reply *

☐ For appropriate action

☐ For information

☐ For recommendation

Rec'd Off 100
 Date 5/9/78
 Time 9:45

Remarks: Cys to: Secy, OGC, PE, OCA to Acknowledg
 D+SS Logged Ex Parte.

For the Commission: DAVIS

*Send three (3) copies of reply to Secy Mail Facility

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AND STAFF DIRECTOR
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United States Senate

COMMITTEE ON HUMAN RESOURCES

WASHINGTON, D.C. 20510

May 1, 1978

Mr. Carl Kammerer
Director, Office of
Congressional Affairs
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Kammerer:

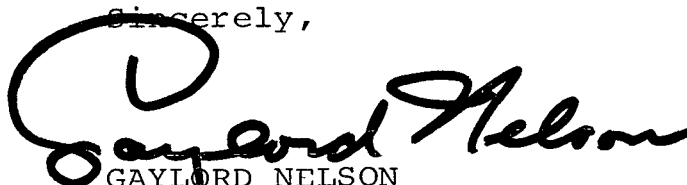
As you know, the Nuclear Regulatory Commission (NRC) has before it a petition filed by Safe Haven, Ltd., requesting a hearing on the storage of spent fuel at the Kewaunee nuclear power plant, Carlton, Wisconsin.

We have corresponded before on this issue, and it is our determination that the citizens group has tried to follow all the existing regulations by which to formally request a hearing on the Kewaunee plant.

After looking into the matter, it seems to me that the NRC has failed to respond to Safe Haven's concern, and to provide them with timely information regarding an application to amend Kewaunee's operating license. On the merits of the case, the citizens of Wisconsin should be given an opportunity to be heard. Therefore, it seems to me that the NRC should commence a hearing near the vicinity of the plant and take testimony on this most important matter.

Your attention to this matter is most appreciated.

Sincerely,



GAYLORD NELSON
U. S. Senator

GN:ja