

SEP 18 1979

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Ms. Elizabeth Dawn Barlow
Sunbelt Alliance
1534 East Third Street
Tulsa, Oklahoma 74120

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Dear Ms. Barlow:

This is in response to your letter of August 6, 1979 to Mr. Sheldon Wolfe, the Chairman of the Atomic Safety and Licensing Board presiding in the Black Fox Nuclear Station licensing proceeding. Since the matters you refer to in your letter relate to this proceeding and involve matters either pending before the Licensing Board or which may require a ruling by the Licensing Board, it would be inappropriate for the Chairman or a member of the Licensing Board to respond to your inquiry. Accordingly, I was requested to provide this response and it is my pleasure to do so.

With regard to your first request for a reopening of limited appearances, that matter will be considered by the Licensing Board in connection with any rulings regarding the reopening of the hearing record. No decision on that matter has been made to date. When it is made there will be a public notice issued.

As to your request that the Reed Report be made public, the Licensing Board has ruled that because it contains General Electric Company proprietary information, it may be withheld from general public disclosure. It has, however, been fully available to all the participants in the Black Fox proceeding, including the Intervenor, and was the subject of two closed sessions of the hearing. The ruling of the Licensing Board with respect to the Reed Report will be subject to review by the Atomic Safety and Licensing Appeal Board and ultimately by the Commission and possibly the Federal courts. In that regard, the Appeal Board and the Commission, in reviewing the Initial Decision and the underlying hearing record, could remand the proceeding back to the Licensing Board with the direction that the hearings be reopened to consider issues that had not been dealt with adequately. This has occurred in a number of proceedings in the past and would be with a public notice to that effect.

With the exception of the two sessions of the hearing referred to above, all sessions of the Black Fox hearing were open to the public. If the hearing is reopened it may be anticipated that these sessions will also be open to the public.

Since the Applicants in this case have asked the Commission to direct the Licensing Board to grant the Applicant's Motion to reopen the hearing record to consider TMI-1 related issues, the issue of whether the Black Fox proceeding

is to be reopened is now a matter pending before the Commission. A decision may be expected in the near future. If the hearing is to be reopened a public

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notice will be issued. The matter of reopening the Black Fox proceeding, as well as other currently pending proceedings, had been under consideration by the NRC Staff and the Commission long before the Public Service Company of Oklahoma announced its support of such a reopening. Various public statements of NRC officials following the Three Mile Island accident made it clear that the lessons learned as a result of the accident could result in the reopening of various hearing records.

I trust that the above is responsive to your inquiry. If not, do not hesitate to correspond with me again.

Sincerely,

Thomas F. Engelhardt
Deputy Executive Legal Director

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