



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 5, 1979

Kenneth M. Chackes, Esq.
Chackes and Hoare
314 North Broadway
St. Louis, Missouri 63102

In the Matter of
Union Electric Company
(Callaway Plants Units 1 & 2)
Docket Nos. STN 50-483 and 50-486

Dear Mr. Chackes:

In reply to your inquiry of November 28, 1979, I am writing to clarify for you the Commission's two separate licensing procedures prescribed in the Atomic Energy Act (42 U.S.C. §2011 et seq.).

Contrary to your understanding, the operating license proceeding is not a continuation of the construction permit proceeding. Sections 185, 103 and 189 of the Act describe the two licenses and licensing actions required. The construction permit proceeding entails a mandatory hearing and is a final agency action subject to judicial review. The construction permit is defined as a license under the Act.

The operating license proceeding concerns a different license necessary for plant operation. Thus, a notice of opportunity for hearing is published after an operating license application is docketed. This notice allows interested persons to request a hearing and petition to intervene to address issues concerning the operating license under consideration. In short, the construction permit hearings and operating license hearings are separate proceedings, addressing different subjects and different licenses. */

I trust this adequately responds to your question. If not, please so advise me. I have requested that a copy of the Notice be sent to you when issued.

Sincerely,

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Colleen P. Woodhead
Counsel for NRC Staff

*/ The partial initial decision concerning environmental matters; the initial decision concerning radiological health and safety matters, and the Appeal Board review are reported in Union Electric Company (Callaway Plant; Units 1 & 2) 2 NRC 319 (1975); 3 NRC 445 (1976); and 4 NRC 216 (1976).

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