

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

May 18, 1979

OFFICE OF THE
SECRETARY

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Oconeel

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Hosack
Cornell
Rehr
Shapar
Davis

Ellyn R. Weiss, Esq.
General Counsel
Union of Concerned Scientists
1208 Massachusetts Avenue
Cambridge, MA 02138

Dear Ms. Weiss:

The Commission has received and considered your letter of May 10, 1979 and the attached Union of Concerned Scientists' petition for reconsideration of the Commission's May 7, 1979 order in the matter of Duke Power Company (Oconeel Nuclear Station, Units Nos. 1, 2 and 3). The petition asked the Commission to modify the order to cause the immediate shutdown of all the Oconeel plants. The basis cited for this request was the UCS conclusion that the Commission had exempted two Oconeel units from immediate shutdown because of a "belief that immediate shutdown of all Oconeel Units would create a power supply deficiency in the Duke service territory." The petition presented an analysis by Dr. Vince Taylor to the effect that no such deficiency would occur.

In issuing the Oconeel order the Commission determined that protection of public health and safety did not require immediate shutdown of all three Oconeel units. That judgment was reached without regard for questions of power availability. The UCS petition, which cites no safety question not addressed in the order, has provided no reason for the Commission to change that judgment. Accordingly, the Commission denies the petition.

Commissioner Bradford believes that although questions relating to power availability were relevant, at least to his judgment, on the timing of the shutdown, the petition is for practical purposes moot.

Sincerely,

Samuel J. Chalk
Samuel J. Chalk
Secretary of the Commission

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Union of
**CONCERNED
SCIENTISTS**

May 10, 1979

Joseph M. Hendrie, Chairman
John Ahearne, Commissioner
Victor Gilinsky, Commissioner
Richard P. Kennedy, Commissioner
Peter A. Bradford, Commissioner
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555



Gentlemen:

Enclosed is a petition seeking your immediate reconsideration of the May 7, 1979 Order insofar as it permits Oconee Units 1 and 2 to remain in operation while all other Babcock and Wilcox reactors were shut down immediately because of the threat they posed to public health and safety.

The basis for this petition is the fact that, contrary to the misleading and erroneous assertions made to the Commissioners, shutting of all Oconee Units would not result in any legitimate power supply deficiency. This fact is clearly proven by the attached analysis by Dr. V. Taylor, which shows that the reserve margin in the VACAR service territory is more than adequate with the Oconee Units shutdown..

We urge you to take immediate action.

Very truly yours,

UNION OF CONCERNED SCIENTISTS

Ellyn R. Weiss / ls

Ellyn R. Weiss
General Counsel

Enclosure

cc: Leonard Bickwit, Esquire
General Counsel
Docketing & Service

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UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

UNION OF CONCERNED SCIENTISTS' PETITION
FOR IMMEDIATE RECONSIDERATION OF THE ERRORS
OF THE ORDER OF MAY 8, 1979
AND FOR IMMEDIATE SHUTDOWN OF OCONEE UNITS 1 & 2

By Order dated May 7, 1979, the Commission directed the Duke Power Company to immediately undertake certain short term remedial steps to achieve a measure of improvement in the vulnerability to feedwater transients of the three Oconee Units designed by Babcock and Wilcox. This Order, as well as those issued to the other licensees of Babcock and Wilcox units, was the outcome of a series of Commission meetings the week of April 23-28, 1979.

The Union of Concerned Scientists was permitted to make a brief extemporaneous statement at the Commission meeting of April 25, at which time we urged you to immediately shut down all of the Babcock and Wilcox plants until the Three Mile Island accident is understood and all measures are taken at all Babcock and Wilcox plants to prevent the recurrence of that accident or a similar one.

Our purpose now is not to argue over the generic merits of the Babcock and Wilcox Orders or the specific remedial measures to be taken at each plant. We presume that these issues will be raised by any interested party at a public hearing within twenty days. This petition for reconsideration and modification of the

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