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

MAY 30 1979

Docket Nos. 50-546
and 50-547

The Honorable Sylvia Watson
Commissioner
"A" District
Office of County Commissioners
Jefferson County
County Court House
Louisville, Kentucky 40202

Dear Commissioner Watson:

The Chairman has requested that I respond to your letter of April 20, 1979.

The construction of the Marble Hill nuclear power facility was subject to our review to assure that it met all regulatory requirements for issuance of Construction Permits and on April 4, 1978 the permits were granted. We believe that the utility, Public Service of Indiana, has plans for submitting their application for Operating Licenses (OL) in the near future. At that time, accompanying its application, the utility will also submit to us an updated Final Safety Analysis Report (FSAR) and an Environmental Report for the Marble Hill plant. Our review of these documents and the associated design, construction, and planned operation of the facility will be undertaken to assure conformity with accepted and approved practice.

The licensing process affords opportunity for public participation. Notice of significant actions (receipt of the OL application, site visits, local meetings, and hearings) will be publicized. We seek to make the procedures for licensing Marble Hill a visible and open activity. In this regard, there is a local public document room (LPDR) at which you or others can peruse the written licensing documents that pertain to Marble Hill. The LPDR is located at Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana 47250.

In view of (1) the early stages of construction of the facility (work on the site began in August 1977), (2) the thorough review which will be given the plant via the pending OL licensing process, and (3) the opportunity to include

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in our review the lessons learned from Three Mile Island Unit 2 incident investigation, we feel that your suggestion to terminate plant construction is not imperative to achieve protection for the public and the environment at this time. With respect to our review, we shall be sensitive and responsive to the President's commission and its report and recommendations.

Your concern about the composition and mission of the Nuclear Regulatory Commission (NRC) was a vital aspect of the organizational concepts employed early in its formation. Such concern was also one of the major issues prompting separation of regulatory and development functions of the government agency. Thus, the Energy Reorganization Act of 1974 (Public Law 93-438) was passed by the U.S. Congress and we believe has effectively and officially severed any real or inferred connections of a nuclear promotional aura that may have been reflected from past affiliation of regulatory activities with the Atomic Energy Commission.

As a regulatory agency, therefore, the NRC cannot direct the allocation of research money into energy development. Consequently, insofar as other energy concepts are concerned, our research effort is limited to understanding and assessing the effects of these concepts in order to evaluate properly these sources of energy in an analysis of alternatives required by the National Environmental Policy Act (NEPA). In general, whatever research we sponsor must be to either confirm the safety or environmental studies made by applicants, licensees, and their affiliates, or to investigate safety or environmental implications of nuclear power plant siting and operation as related to licensing matters under the Atomic Energy Act, the Energy Reorganization Act and NEPA.

With regard to local participation in nuclear power plant monitoring, the NRC Construction Permit cites an agreement that exists between the utility and the Louisville Water Company. Under this agreement, the results of the water sampling program conducted at the Marble Hill Generating Station will be made available to the water company and provisions are set forth for notification of the water company by the utility and vice versa in the event of detection of adverse discharge conditions. However, monitoring of the environment in keeping with standards established in Federal laws or Acts at and around a nuclear power plant has been required by the NRC, the Environmental Protection Agency (EPA) and those States which have received EPA authority to exercise, in its stead, appropriate regulatory functions for protection of the environment. Laws governing such activities include: Title 10, Code of Federal Regulations, Parts 50 and 51 (10 CFR 50 and 51); the Federal Water Pollution

Control Act (Clean Water Act); and the Clean Air Act. Moreover, an operating nuclear power plant is issued an Operating License which includes Technical Specifications covering a multitude of requirements for monitoring plant operation as well as its effect upon the air and water in its environs. On-site inspections by NRC personnel permit a direct opportunity for assuring utility compliance with the Technical Specifications and Operating License.

Your suggestion for adding "one citizen member" to the three-member hearing panels is understood to mean the addition of a "layperson" who has had neither a technical nor legal professional career. The Atomic Energy Act (§191) requires that the two non-attorney members of the licensing board have "...such technical or other qualifications as the Commission deems appropriate to the issues to be decided..." The Commission has applied this to mean that a requirement of demonstrated technical qualifications for non-attorney board members (in such areas as engineering, physics, environmental or biological disciplines, etc.) is appropriate and consistent with the intent of the Congress.

Let me assure you that I and the staff are aware of our responsibility for nuclear reactor regulation and intend to be fully responsive to the need for protection of the health and safety of the public and the environment.

Sincerely,

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation