



CHAIRMAN

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

Comm
CORK

January 12, 1979

Ellyn R. Weiss, Esq.
Sheldon, Harmon, Roisman & Weiss
1025 15th Street, NW.
Suite 500
Washington, DC 20005

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

Dear Ms. Weiss:

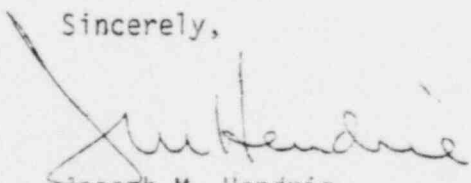
This is in response to your letters to the Commission of November 9 and December 6, 1978, concerning the proceeding initiated by the Union of Concerned Scientists' Petition for Emergency and Remedial Action. You have asked to be provided with a draft Commission Memorandum and Order for the purpose of commenting upon it prior to a final Commission decision on the Petition for Reconsideration.

Over the last year the Commission has received voluminous filings in this proceeding on both the original petition and the Petition for Reconsideration. The Commission therefore believes that little benefit would be gained by the lengthy process of circulating a draft order to all those who have expressed an interest in the petitions.

You should be aware that the NRC staff has not been provided with a draft Memorandum and Order at any stage of this proceeding, nor will it be. To the extent that the UCS and the regulatory staff are "parties" to this procedure, neither will be permitted to view the decision in advance of issuance. This practice was also followed in developing the Commission's earlier decision issued on April 13.

Finally, you suggested that the Commission might wish to direct specific questions to UCS as they have to the staff. We do not find this procedure necessary at this time.

Sincerely,


Joseph M. Hendrie

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ADMITTED IN MICHIGAN ONLY *

December 6, 1978

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

RE: Petition for Emergency and Remedial Action

Gentlemen:

You now have before you for consideration UCS' request for the opportunity to comment on the OGC/OPB draft decision in the above-captioned case. I have just learned that this procedure was used in Tennessee Valley Authority (Yellow Creek Nuclear Plant Units 1 and 2) Docket Nos. STN 50-366, 50-367 (Sept. 29, 1978), where the Licensing Board circulated its tentative decision on certain issues for the comments of all parties.

UCS believes that this course of action would be particularly appropriate in this case so that we might focus our comments on the particular issues of concern to the Commissioners. Because there have been no hearings and because the staff's numerous filings have come in piecemeal as new developments occurred, it is impossible for us to know at this point how the Commissioners view the issues. Therefore, I reiterate UCS' request to comment on the draft decision. In the alternative, the Commissioners might wish to direct specific questions to UCS as they have to the staff.

It is our firm belief that the relief outlined in our Draft Memorandum and Order of January 9, 1978 is required today more than ever and that the developments cited in support of our petition for reconsideration have not

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ever more compelling than before. In addition, we believe the case is clear that backfit of the requirements of Appendices A and B is necessary. We request the Commission to allow us to address the draft decision insofar as it may disagree with this.

Thank you for your consideration.

Very truly yours,



Eilyn R. Weiss

ERW/dmw

cc: Bernard Snyder
James Kelley
Docketing & Service Section