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Nuclear Regulatory Commission  
Sequoyah Unit One-- "fueling and testing"

The Tennessee Valley Authority (TVA) asked the Nuclear Regulatory Commission (NRC) in early December to allow fueling and low-power testing while the NRC decides whether to grant an operating license for Sequoyah's Unit One reactor. These operations usually are not permitted before the license is granted.

Unable to prematurely overturn the moratorium on operating licenses for new nuclear power plants, imposed by the NRC, TVA seeks to circumvent it.

Suppose NRC were to allow TVA's "testing," and then decide not to allow operation of Sequoyah Unit One nuclear power plant? TVA is a federal agency, and arguably might not voluntarily submit to the jurisdiction of NRC, another federal agency. NRC must not allow itself to be confronted with the fait accompli of an on-line nuclear power plant.

There is a telling precedent. The Power Authority of the State of New York (PASNY), a state agency, built a 765,000-volt power transmission line, with a "conditional" permit from the Public Service Commission (PSC), another state agency. Operation of the line was to be conditioned upon PASNY's meeting of operating conditions deemed necessary by PSC to protect the public health and safety.

By the time the operating conditions were specified, PASNY had been importing 320 megawatts of electricity at 765,000 volts over part of the line for fully two months-- PASNY called it "testing." This "testing" was done without the knowledge of the PSC, which was now confronted with the very "fait accompli" which they had sworn to prevent.

PSC ordered a construction halt and a shut-down of the electrified portion, (acting upon petitions co-authored by myself), and PASNY refused to comply. PSC could not enforce its jurisdiction because, according to the PSC, "we don't have any troops."

All this was page one material, and PSC's powerlessness soon became official when they were stripped of their power of approval over energy construction projects.

Does the NRC have troops? Surely the federal government does, if this is what we are coming to. A more reasonable course of action would be for NRC to affirm its jurisdiction and independence by denying TVA's request to begin operation of Sequoyah Unit One, whether it be known as "testing" or some other euphemism, until such time as NRC knows whether it wants to grant any new operating licenses for nuclear power plants ever again. NRC can ill afford to leave itself vulnerable to the public spectacle of a raw jurisdictional dispute.

I submit that there is significant public interest in this matter, and I request and rightfully expect that public hearings will be held in Chattanooga, Tennessee, before the NRC takes any further action.  
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