



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

H/PDR

AUG 8 1980

The Honorable A. R. Schwartz
Texas State Senate
Austin, Texas 78711

Dear Mr. Schwartz:

Since the results of the hearing on Houston Lighting & Power Company's application for a permit to construct the Allens Creek Nuclear Generating Station are subject to review and final decision by the Nuclear Regulatory Commission, it would be inappropriate for the Commission Chairman, John Ahearne, to comment on issues that may be considered in that hearing. Therefore, I will attempt to respond to the concerns that you expressed in your letter of May 22, 1980.

On June 13, 1980, the Commission issued a Statement of Interim Policy on Nuclear Power Plant Accident Considerations Under the National Environmental Policy Act of 1969. I am enclosing a copy of the Federal Register Notice and will attempt to note matters discussed therein that relate to your concerns. As stated, the Commission intends the interim policy guidance to be immediately effective and established a 90 day comment period. Any member of the public who has general comments on the policy may and should address them to the Secretary of the Commission for Commission consideration. In addition, we are providing the Secretary with a copy of your letter and this reply for such consideration as may be appropriate in the Commission's further assessment of policy.

As you anticipated in your letter of May 22, 1980, the interim policy is the Commission's position that its Environmental Impact Statements shall include considerations of site specific environmental impacts attributable to accident sequences that lead to releases of radiation and/or radioactive materials, including sequences that can result in inadequate cooling of reactor fuel and to melting of the reactor core. This interim policy was applied by the Commission to all pending applications for which a Final Environmental Statement (FES) has not yet been issued. Since an FES has been issued in the Allens Creek proceedings, the proposed facility does not, as a matter of course, fall within the ambit of the Commission's directive.

However, the Commission stated its intent that the staff take steps to identify additional cases that might warrant early consideration of additional features or other actions to prevent or to mitigate the consequences of serious accidents. Cases for such consideration are those

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for which a Final Environmental Statement has already been issued at the Construction Permit stage, but for which the Operating License stage has not yet been reached. In carrying out this directive, the staff was directed to consider relevant site features, including population density, associated with accident risk in comparison to such features at presently operating plants. Also, the staff was directed to consider the likelihood that substantive changes in plant design features which may compensate further for adverse site features may be more easily incorporated in those plants when construction has not yet progressed very far. Allens Creek is, of course, one of the candidate sites for such consideration. However, under this interim policy the Commission does not intend to supplement the already issued Final Environmental Statement for Allens Creek. We would note that prior to this interim policy, the staff was working under a similar direction of the Commission and did not identify any special circumstances that warranted more extensive and detailed consideration of Class 9 events than had already been given Allens Creek.

Finally, you should appreciate that consideration of the "Class 9 accident" question is only one of many considerations for public health and safety. In particular, and as discussed in the interim policy, there are a number of on-going activities within the Commission and its staff which relate to the "Class 9 accident" question and either are the subject of current rulemaking or are candidate subjects for rulemaking.

We appreciate your interest in this matter and believe that we have provided you with all current information. In accordance with your request, we will provide you with a summary of any information on the "Class 9 accident" question that may come out of the Allens Creek hearing.

Sincerely,


Original Signed By
E. B. Case
Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice



The Senate of The State of Texas

A. R. SCHWARTZ

GALVESTON, BRAZORIA, MATAGORDA, CALHOUN,
ARANSAS AND HARRIS COUNTIES

May 22, 1980

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RESOURCES COMPACT

Mr. John Ahearne, Chairman
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Ahearne:

It has come to my attention that the Nuclear Regulatory Commission will soon hear arguments for and against granting a construction permit for the Allens Creek Nuclear Generating Station.

I understand projects for which environmental impact statements have been submitted, such as the Allens Creek Project, will not be reviewed for the possible effects of Class 9 accidents, whereas projects for which no environmental impact statements have yet been submitted will be evaluated with regards to Class 9 accident potential. It would seem proper for public safety interests to request a supplemental environmental impact statement for the Allens Creek Project. I would appreciate any information that may come out of the hearings from this facility.

Yours very truly,

A. R. Schwartz

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FIFTH DISTRICT
THE COASTAL DISTRICT

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