



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

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AUG 6 1980

Mr. J. M. Bishop
11418 Oak Spring
Houston, Texas 77043

Dear Mr. Bishop:

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 26, 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. If you have general comments on the policy, in addition to your specific concerns relative to Allens Creek, you should address them to the Secretary of the Commission, for Commission consideration.

As you noted in your letter of May 26, 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 proceeding, 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 for which a Final Environmental Statement has already been issued at the Construction Permit stage, but for which the Operating License review stage has not yet been reached. In carrying out this directive, the staff was directed to consider relevant site features, including population

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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 staff 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.

Although we appreciate your interest in this matter, we would note that, as an intervenor, you may not have followed the Commission's regulations on procedures for Parties to Commission proceedings. Therefore, we are enclosing a copy of your letter to assure that all parties to the Allens Creek proceeding are served both with this letter and with your letter of May 26, 1980. May we suggest that in the future you contact our Office of the Executive Legal Director (Edwin J. Reis, 301-492-7505) if you have any questions concerning the Commission's rules applicable to contemplated communications by you with the Commission or its hearing and appeal boards, or with other parties.

Sincerely,

Original Signed By
E. G. Case

 Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice