



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

January 27, 1981



Dr. Louis G. Williams
1246 Northwood Lake
Northport, AL 35476

In the Matter of
Application of Westinghouse Electric
Corporation for a Special Nuclear
Material License for the Alabama
Nuclear Fuel Fabrication Plant (ANFFP)
to be Located Near Prattville, Alabama
Docket No. 70-2909

Dear Dr. Williams:

This is to confirm our telephone conversation of several weeks ago, concerning your letter of December 2, 1980. In your letter, you (1) express concern over the effectiveness of your assistance to the Safe Energy Alliance of Central Alabama ("SEACA") in its attempt to intervene in this proceeding; (2) inquire as to whether we have received your November 24, 1980 mailing; (3) inquire as to whether SEACA's contentions "will be a 'closed' matter" after December 15, 1980; and (4) whether you would be permitted to make a "Limited Statement" at the public hearing. We address these matters seriatim.

Relationship With Petitioner SEACA

As I informed you, any differences of opinion you may have with the designated SEACA representative must be resolved between yourselves. I am unable to render any assistance to you in that respect, other than to suggest that you file your own petition for leave to intervene in the proceeding in your individual capacity. As I indicated to you, the Commission's regulations generally require an intervenor to establish standing and interest, that is, to demonstrate that he or she has an interest which may be affected by the results of the proceeding. In view of the distance between your home and other areas of activity and the proposed plant site, this may be difficult for you to establish. If you decide to file a petition for leave to intervene in your individual capacity, you also would need to address the matter of the untimeliness of your petition, in accordance with the factors set forth in 10 CFR § 2.714(a)(1).

The Commission's regulations also permit intervention by a person who does not establish his right to become a party to the proceeding, where the presiding officer (here, the Chairman of the Atomic Safety and Licensing Board) determines

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in his discretion that such a result is appropriate. The factors to be considered by the presiding officer are set forth in 10 CFR §§ 2.714(a)(1) and 2.714(d).

In this regard, should you determine that you wish to intervene in your individual capacity, you may forward your petition for leave to intervene to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Docketing and Service Section. I wish to note that the Staff would not necessarily support your petition, in view of its untimeliness and the geographic distance which separates your home and other activities from the proposed plant site; this should not deter you, however, from filing your petition.

Receipt of Your Newsletter

With respect to your inquiry concerning your November 24, 1980 mailing, we have received your newsletter, entitled "Acceptable Risks Values Your Decision-Making NRC Regulatory Hearings Your Stewardship of Wisdom," dated November 24, 1980.

Finality of Contentions

With respect to your inquiry concerning the finality of SEACA's contentions, I wish to note that the contentions which have been previously filed in writing by SEACA should be considered to be final except to the extent that they are (1) modified by stipulation of the parties and approved by the Licensing Board (the deadline for the filing of such a stipulation has been extended to January 30, 1981), or (2) otherwise modified by order of the Licensing Board. In the event that SEACA should desire to supplement or amend its contentions, it may do so only with the approval of the Licensing Board.

Limited Appearance Statement

Finally, with respect to your inquiry concerning the possibility of making a "limited statement" at the public hearing, I wish to advise you as follows. Under the Commission's Rules of Practice, persons desiring to make limited appearance statements are permitted to do so at the discretion of the presiding officer. In practice, the presiding officer usually inquires early on the first day of the evidentiary hearing whether there are any individuals in attendance who wish to make limited appearance statements. In most cases, limited appearance statements are heard or incorporated in the record, as if read, only on the first day. However, the presiding officer has considerable discretion as to limited appearance statements, and in particular, as to the timing of such statements. In addition, it has been the general practice of the presiding officer of Atomic Safety and Licensing Boards to request responses to limited appearance questions from the parties.

Since it will be some time before the exact date will be set for the evidentiary hearing, I cannot now advise you when you should plan to appear to make your statement or ask any questions you may have. When that information becomes available, the Office of the Secretary will convey it to you promptly. Should you be unable to attend the first day of the hearing, it is recommended that you so advise John F. Wolf, Esq., Chairman of the presiding Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

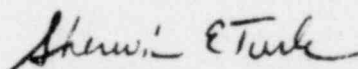
If you desire that written material be incorporated in the record as part of your limited appearance, it is suggested that you address your proposal to the Atomic Safety and Licensing Board at the time you make your limited appearance. It would be helpful if you were to have extra copies of any such written material available for the hearing reporter.

As you know, a local public document room has been established in the vicinity of the site at the Prattville Public Library, 220 Doster Road, Prattville, Alabama 36067. Copies of the public documents relating to the ANFFP proceeding will be available for review at the library.

It is the usual practice for the Atomic Safety and Licensing Boards to schedule a prehearing conference to consider certain preliminary matters before setting a date for the evidentiary hearing. As you know, a special prehearing conference was held in Montgomery, Alabama on August 21, 1980. A further prehearing conference is anticipated but has not yet been scheduled. The Office of the Secretary will notify you of the date, time and location of that prehearing conference so that you may plan to attend if you wish to do so. However, no limited appearance statements will be received at the prehearing conference.

I trust that this responds in full to your letter of December 2, 1980. Please advise me if I may be of any further assistance to you.

Sincerely,



Sherwin E. Turk
Counsel for NRC Staff

cc: Service List