

3/13/81



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL

In the Matter of)	
TENNESSEE VALLEY AUTHORITY)	Docket Nos. 50-259
(Browns Ferry Nuclear Plant)	50-260
Unit Nos. 1, 2, 3))	50-296

APPLICANT TENNESSEE VALLEY AUTHORITY'S REPLY TO
UNSERVED PETITIONS FOR LEAVE TO INTERVENE
AND REQUESTS FOR A HEARING AND OBJECTION
TO THE FAILURE OF CERTAIN PETITIONERS
TO SERVE PLEADINGS

The Tennessee Valley Authority (TVA) has applied for amendments to the operating licenses of its Browns Ferry Nuclear Plant. The Nuclear Regulatory Commission (NRC) published in the Federal Register on December 11, 1980 (45 Fed. Reg. 81,697), a notice of the proposed amendment of facility operating license Nos. DPR-33, DPR-52, and DPR-68. The amendments would permit TVA to store low-level radioactive wastes onsite for up to five years. Copies of four identical petitions for leave to intervene and requests for a hearing were timely served on TVA. On January 27, 1981, TVA filed

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its reply which argued that these timely filed petitions should be denied.

A fifth petition, signed by Thomas Paul, Richard Jobe, and Marjorie Hall and identical to the first four, was not served on TVA but was attached to the NRC staff's January 28, 1981, response. In addition, according to the second response filed by the staff on February 23, 1981, a sixth petition,¹ reportedly also identical to the others, was received at NRC headquarters on February 2, 1981, 21 days after the January 12, 1981, deadline for filing such petitions and requests. The December 11, 1980, notice specified that persons seeking to intervene or requesting a hearing must serve such requests on TVA's General Counsel. As of March 13, 1981, neither the Paul-Jobe-Hall nor the Fenn-Hudgens-Thornton petitions have been served on TVA and, absent proof of proper service, TVA objects to the Board's consideration of these petitions.

¹ The sixth petition was reportedly signed by Hollis Fenn, Rebecca Hudgens, and Tom Thornton

Finally, even if the Paul-Jobe-Hall and Fenn-Hudgins-Thornton petitions are accepted, all six should be denied for the reasons given in TVA's January 27, 1981, reply to the four petitions which were timely served on TVA.

Respectfully submitted,

Herbert S. Sanger, Jr.

Herbert S. Sanger, Jr.
General Counsel
Tennessee Valley Authority
Knoxville, Tennessee 37902
Telephone No. 615-632-2241
FTS No. 856-2241

Lewis E. Wallace

Lewis E. Wallace
Deputy General Counsel

James F. Burger

James F. Burger

Donald R. Bustion II

Donald R. Bustion II

Attorneys for Tennessee
Valley Authority

Knoxville, Tennessee
March 13, 1981

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CERTIFICATE OF SERVICE

I hereby certify that I have served the original and 20 conformed copies of the following document on the Nuclear Regulatory Commission by depositing them in the United States mail, postage prepaid and addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch:

Applicant Tennessee Valley Authority's
Reply to Unserved Petitions for Leave
to Intervene and Requests for a Hearing
and Objection to the Failure of Certain
Petitioners to Serve Pleadings

and that I have served a copy of the above document upon the persons listed below by depositing them in the United States mail, postage prepaid and addressed:

United States Nuclear
Regulatory Commission
Executive Legal Director
Washington, DC 20555

Mr. Noel M. Beck
426 North Wood
Florence, Alabama 35630

Mr. Robert W. Beck
P.O. Box K
Florence, Alabama 35631

Mr. Gregory Brough
1726 McCollough Avenue
Huntsville, Alabama 35801

Ms. Alice N. Colcock
305 Mitchell Court
Sheffield, Alabama 35660

Mr. David R. Curott
1201 Ingleside
Florence, Alabama 35630

Ms. Uvonna J. Curott
1201 Ingleside
Florence, Alabama 35630

Mr. David Ely
1500 Sparkman Drive, Apt. 6G
Huntsville, Alabama 35805

Mr. Hollis Fenn
736 Prospect Street
Florence, Alabama 35630

Mr. Richard L. Freeman
429 Calhoun Drive
Florence, Alabama 35630

Ms. Marjorie L. Hall
1134 Halsey Avenue
Huntsville, Alabama 35801

Ms. Debbie Havas
517 O'Shaughnessy
Huntsville, Alabama 35801

Ms. Rebecca Hudgins
1726 McCullough Avenue, NE
Huntsville, Alabama 35801

Mr. Richard W. Jobe
1134 Halsey Avenue
Huntsville, Alabama 35801

Ms. Betty L. Martin
Route 1, Box 949
Sheffield, Alabama 35660

Mr. John R. Martin
Route 1, Box 949
Sheffield, Alabama 35660

Ms. Nancy Muse
205 Edgewood Drive
Florence, Alabama 35630

Mr. Thomas W. Paul
1120 Pratt Avenue
Huntsville, Alabama 35801

Mr. Michael D. Pierson
736 Lily Plagg Road, SE
Huntsville, Alabama 35802

Mr. Tom Thornton
1603 Greenwyche Road
Huntsville, Alabama 35802

This 13 day of March, 1981.

Donald R. Bustion II
Donald R. Bustion II
Attorney for Applicant
Tennessee Valley Authority