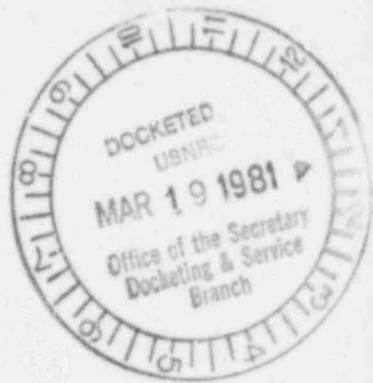


3/13/81



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,<sup>1</sup> 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.

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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

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
	)	50-260
(Browns Ferry Nuclear Plant	)	50-296
Unit Nos. 1, 2, 3)	)	

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 McCullough Avenue  
Huntsville, Alabama 35801

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

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

Ms. Uvonna J. Currott  
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