

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)
)
UNITED STATES DEPARTMENT OF ENERGY)
)
PROJECT MANAGEMENT CORPORATION) Docket No. 50-537
)
TENNESSEE VALLEY AUTHORITY)
)
(Clinch River Breeder Reactor Plant))
)

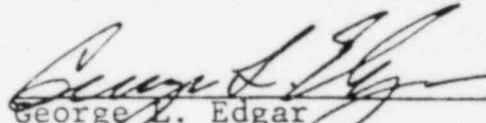
APPLICANTS' NOTIFICATION
CONCERNING PENDING LITIGATION

The United States Department of Energy ("DOE") and Project Management Corporation ("PMC"), for themselves and on behalf of the Tennessee Valley Authority (the Applicants), hereby file this Notification Concerning Pending Litigation. The Applicants are providing this Notification for the purpose of keeping the Board currently informed as to matters potentially affecting the above-captioned proceeding, as follows:


1. On August 19, 1982, NRDC and the Sierra Club ("Intervenors") filed, in the United States Court of Appeals for the District of Columbia Circuit, a Petition for Review and an Application for Stay of the Commission's August 17, 1982 Order granting Applicants' July 1, 1982 request to conduct site preparation activities pursuant to 10 C.F.R. § 50.12. As of August 30, 1982, all responsive pleadings concerning the Application for Stay had been filed with the court, and the matter is now pending decision.

2. On August 23, 1982, Intervenor's filed suit in the United States District Court for the Northern District of Georgia against DOE, DOE's CRBRP Project Office, and the Environmental Protection Agency ("EPA"), alleging that an Agreement, executed by EPA and the CRBRP Project Office under 40 C.F.R. § 122.66(c)(4)(i) to allow site preparation activities, violated NEPA and the aforementioned EPA regulation. On September 3, 1982, the District Court issued an injunction restraining DOE from undertaking site preparation until the FES Supplement is completed and the final NPDES permit is issued for CRBRP. NRC contemplates issuance of the Final FES Supplement on November 1, 1982, and EPA contemplates issuance of the final permit on December 1, 1982. On September 7, 1982, PMC and DOE filed Notices of Appeal and Motions for Expedited Appeal in the United States Court of Appeals for the Eleventh Circuit. These Motions requested that briefing be completed by September 15, 1982, oral argument be held on September 17, 1982, and that a decision be rendered on the merits by September 18, 1982. On September 8, 1982, the Eleventh Circuit issued an Order granting PMC's Motion, requiring completion of briefing on September 14, 1982, and scheduling oral argument for September 15, 1982.

Respectfully submitted,


George L. Edgar
Attorney for Project
Management Corporation

DATED: September 9, 1982


Warren E. Bergholz, Jr.
Attorney for Department
of Energy

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CERTIFICATE OF SERVICE

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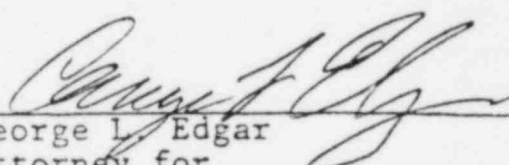
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DATED: September 9, 1982