

GALLOWAY & GREENBERG

ATTORNEYS AT LAW

1725 EYE STREET, N. W.

SUITE 801

WASHINGTON, D. C. 20006

L. THOMAS GALLOWAY  
ELDON V. C. GREENBERG

DOCKETED  
USNRC

TELEPHONE  
(202) 833-9084

'82 DEC 30 P1:23

December 30, 1982

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

The Honorable Nunzio J. Palladino  
Chairman  
Nuclear Regulatory Commission  
Washington, D.C. 20555

The Honorable James K. Asselstine  
Commissioner  
Nuclear Regulatory Commission  
Washington, D.C. 20555

The Honorable Victor Gilinsky  
Commissioner  
Nuclear Regulatory Commission  
Washington, D.C. 20555

The Honorable John F. Ahearne  
Commissioner  
Nuclear Regulatory Commission  
Washington, D.C. 20555

The Honorable Thomas F. Roberts  
Commissioner  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Clinch River Breeder Reactor Plant  
Docket No. 50-537  
(Section 50.12 Request)

Gentlemen:

In their Reply of December 28, Applicants imply (at page 9) that Congress, in enacting the Continuing Resolution for Fiscal Year 1983, somehow intended that site preparation activities continue. This implication cannot be left unchallenged, for it simply is not the case. In commenting on the intent of conferees regarding Clinch River, Congressman Brown of California stated:

[W]hile the report language permits the ongoing activities related to the Nuclear Regulatory Commission licensing process, this should not be interpreted to mean that if a construction license is obtained that construction shall begin. The language is explicit in stating that funds shall not be used for construction of permanent facilities. Neither should this language be interpreted as an

8301030136 821230  
PDR ADOCK 05000537  
G PDR

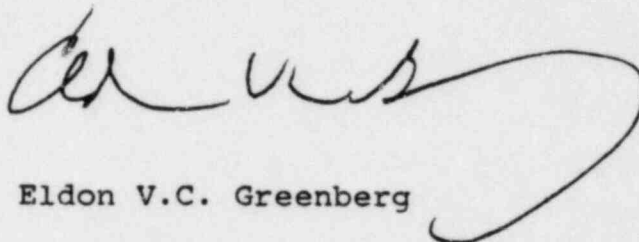
DS03

Honorable Nunzio J. Palladino  
Honorable James K. Asselstine  
Honorable Victor Gilinsky  
Honorable John F. Ahearne  
Honorable Thomas F. Roberts  
December 30, 1982  
Page Two

endorsement of the NRC's actions last year granting an emergency licensing exemption permitting site clearance at Clinch River. In fact, I believe that Members of the Congress and the public can insist on a normal licensing procedure for this first-of-a-kind project.

128 Cong. Rec. H10434 (Dec. 20, 1982).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Eldon V.C. Greenberg', with a large, sweeping flourish extending from the end of the signature.

Eldon V.C. Greenberg

Counsel to Intervenors,  
Natural Resources Defense  
Council, Inc. and the  
Sierra Club

Honorable Nunzio J. Palladino  
Honorable James K. Asselstine  
Honorable Victor Gilinsky  
Honorable John F. Ahearne  
Honorable Thomas F. Roberts  
December 30, 1982  
Page Three

DOCKETED  
USNRC

'82 DEC 30 P1:23

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

cc:        \*Daniel Swanson, Esquire  
          \*Stuart Treby, Esquire  
          \*Bradley W. Jones, Esquire  
          Office of Executive Legal Director  
          U.S. Nuclear Regulatory Commission  
          Maryland National Bank Building  
          7735 Old Georgetown Road  
          Bethesda, Maryland 20814  
  
          \*R. Tenney Johnson, Esquire  
          \*Leon Silverstrom, Esquire  
          \*Warren E. Bergholz, Jr., Esquire  
          \*Michael D. Oldak, Esquire  
          \*L. Dow Davis, Esquire  
          Office of the General Counsel  
          U.S. Department of Energy  
          1000 Independence Avenue, S.W.  
          Washington, D.C. 20585  
  
          \*George L. Edgar, Esquire  
          \*Irvin N. Shapell, Esquire  
          \*Thomas A. Schmutz, Esquire  
          \*Gregg A. Day, Esquire  
          \*Frank K. Peterson, Esquire  
          Morgan, Lewis & Bockius  
          1800 M Street, N.W.  
          Washington, D.C. 20036  
  
          \*Docketing and Service Section  
          Office of the Secretary  
          U.S. Nuclear Regulatory Commission  
          Washington, D.C. 20555  
          (3 copies)

\* By hand delivery.

Honorable Nunzio J. Palladino  
Honorable James K. Asselstine  
Honorable Victor Gilinsky  
Honorable John F. Ahearne  
Honorable Thomas F. Roberts  
December 30, 1982  
Page Four

\*Leonard Bickwit, Esquire  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Marshall E. Miller, Esquire  
Chairman  
Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
4350 East West Highway  
Bethesda, Maryland 20814

\*Gustave A. Linenberger  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
4350 East West Highway  
Bethesda, Maryland 20814

Dr. Cadet H. Hand, Jr.  
Director  
Bodega Marine Laboratory  
University of California  
P.O. Box 247  
Bodega Bay, California 94923

Atomic Safety and Licensing Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety & Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*By hand delivery.

Honorable Nunzio J. Palladino  
Honorable James K. Asselstine  
Honorable Victor Gilinsky  
Honorable John F. Ahearne  
Honorable Thomas F. Roberts  
December 30, 1982  
Page Five

Herbert S. Sanger, Jr., Esquire  
Lewis E. Wallace, Esquire  
James F. Burger, Esquire  
W. Walker LaRoche, Esquire  
Edward J. Vigluicci  
Office of the General Counsel  
Tennessee Valley Authority  
400 Commerce Avenue  
Knoxville, Tennessee 37902

William B. Hubbard, Esquire  
Assistant Attorney General  
State of Tennessee  
Office of the Attorney General  
422 Supreme Court Building  
Nashville, Tennessee 37219

Lawson McGhee Public Library  
500 West Church Street  
Knoxville, Tennessee 37902

William E. Lantrip, Esquire  
City Attorney  
Municipal Building  
P.O. Box 1  
Oak Ridge, Tennessee 37830

Oak Ridge Public Library  
Civic Center  
Oak Ridge, Tennessee 37820

Commissioner James Cotham  
Tennessee Department of Economic  
and Community Development  
Andrew Jackson Building, Suite 1007  
Nashville, Tennessee 32219