

March 5, 1982



SECY-82-94

ADJUDICATORY ISSUE

(Affirmation)

For: The Commissioners

From: Leonard Bickwit, Jr.
General Counsel

Subject: CLINCH RIVER BREEDER REACTOR

Purpose: To provide an Order concluding this proceeding.

Discussion: In response to Commissioner Bradford's memorandum of March 3, 1982, we have prepared the attached draft Order for this proceeding.

A handwritten signature in ink, appearing to read "Leonard Bickwit, Jr.", written over a horizontal line.

Leonard Bickwit, Jr.
General Counsel

Attachment:
Order

DISTRIBUTION:
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Nunzio J. Palladino, Chairman
Victor Gilinsky
Peter A. Bradford
John F. Ahearne
Thomas M. Roberts

w/n

In the Matter of
UNITED STATES DEPARTMENT OF
ENERGY
PROJECT MANAGEMENT CORPORATION
TENNESSEE VALLEY AUTHORITY

(Clinch River Breeder Reactor
Plant)

Docket No. 50-537
(exemption request
under 10 CFR 50.12)

ORDER

On November 30, 1981 DOE, for itself and on behalf of its co-applicants Project Management Corporation and the Tennessee Valley Authority (Applicants), requested an exemption from 10 CFR 50.10 pursuant to 10 CFR 50.12 to conduct site preparation activities for the Clinch River Breeder Reactor (CRBR) prior to the issuance of a construction permit or limited work authorization. The scope of those proposed activities is described in the Commission's Memorandum and Order of December 24, 1981 in which the Commission established the informal procedures for considering this request. 14 NRC ____, CLI-81-35 (1974). Grant of the exemption was opposed by the Natural Resources Defense Council, Inc. and the Sierra Club (Intervenors) who are intervenors in the now reopened proceeding for a construction permit for CRBR. After receiving comments on the exemption request from

Applicants, Intervenors, and several other persons, the Commission conducted an oral presentation on February 16, 1982. Subsequently, in the early part of March, the Commission conducted two public meetings to discuss the exemption request. The Commission has decided to deny the request and will shortly publish a statement of reasons underlying this decision. This statement will include the separate views of individual Commissioners.

Commissioners _____ dissent and would have granted the exemption.

It is so ORDERED.

For the Commission

SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.

this day of March, 1982.