

TENNESSEE VALLEY AUTHORITY

KNOXVILLE, TENNESSEE 37902

OFFICE OF THE GENERAL COUNSEL

JUN 21 1988

Mr. Stewart D. Ebnetter, Director
Office of Special Projects
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Tennessee Valley Authority (TVA)
(Sequoyah Nuclear Plant, Units 1 and 2)

Dear Mr. Ebnetter:

On March 24 Albert K. Bates, on behalf of six individuals and one organization, asked the NRC for emergency relief to prevent the resumption of operations of TVA's Sequoyah Nuclear Plant. Our March 27, 1988 letter to the Commissioners enclosed a brief in opposition to the request for emergency relief. The NRC denied that portion of the request pertaining to emergency relief on March 28. The denial letter also stated that the remainder of petitioners' request would be treated as a petition for enforcement action under 10 C.F.R. § 2.206 (1988).

The same individuals and organization filed a petition for review of the NRC's determination and denial of emergency relief in the Sixth Circuit Court of Appeals. TVA was allowed to intervene in opposition to the petition for review and continued to oppose their petition before the court. The briefs, pleadings, and affidavits TVA submitted to the court were served on the NRC and petitioners in accordance with court rules. TVA respectfully requests that these documents be considered by the NRC, as part of the administrative record, in reaching its final determination on the petition under section 2.206. We assume that the NRC's filings with the Sixth Circuit are already a part of the administrative record.

We would call your attention particularly to the affidavits of Charles H. Fox, Ph.D. (dated March 31), Lynn C. Maxwell, Ph.D. (dated March 31), William S. Raughley (dated March 31), and Charles Concordia (dated April 11), together with the supplemental affidavit of William S. Raughley

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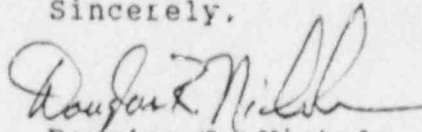
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(dated April 12). These affidavits and the exhibits attached to them furnish an ample factual basis for denying the petition. We will provide additional copies of any of these documents at your request.

Based on these documents and the information we submitted in our March 27 letter, TVA believes that the NRC has correctly concluded that the emergency diesel generating system at Sequoyah meets applicable safety requirements. The analyses furnished in TVA's opposition to request for emergency relief provides ample support for a final determination by the NRC that no enforcement action is called for under section 2.206. In particular, as previously discussed, petitioners have failed to present any facts supporting their request (opposition at 3-4); their request is untimely (id. at 5-7); and the diesel generator issues raised by petitioners have been resolved (id. at 7-12). In short, petitioners have raised no substantial health and safety issues. Because the technical issues raised by petitioners have been carefully considered and fully resolved by the NRC, the enforcement action requested by petitioners should be denied.

Sincerely,



Douglas R. Nichols
Assistant General Counsel

cc: Albert K. Bates, Esq.
The Natural Rights Center
156 Drakes Lane
Summertown, Tennessee 38483-0090

Mr. Samuel J. Chilk, Secretary
Mr. William C. Parler, General Counsel
Mr. Victor Stello, Jr.
Executive Director for Operations
Nuclear Regulatory Commission
Washington, D.C. 20555