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STATE OF OKLAHOMA

STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105  
August 10, 1979

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

Mr. Frederick J. Shon, Member  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
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Washington, D.C. 20555

Dr. Paul W. Purdom, Director  
Environmental Studies Group  
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Re: In the Matter of the Application of Public )  
Service Company of Oklahoma, Associated ) Docket Nos. STN 50-556  
Electric Cooperative, Inc. and Western ) STN 50-557  
Farmers Electric Cooperative )  
(Black Fox Station, Units 1 and 2) )

Gentlemen:

Because of the potential safety issues which were raised as a result of the accident which occurred at Three Mile Island Unit 2 ("TMI-2"), all parties to this proceeding are now in apparent agreement that it is in the public interest to re-open the record in the above-captioned matter in order to consider the issues raised by the TMI-2 accident which are relevant to a decision on the merits regarding Applicant's request for a construction permit. Applicant, Public Service Company of Oklahoma ("PSO"), has been quite outspoken in its public commitment to dispel any local unrest caused by the TMI-2 accident (See Attachment).

It is the position of the State of Oklahoma that future hearings consider all issues that will be raised by the TMI-2 accident in the reports of various bodies studying the accident at TMI-2 expected to be issued in the near future at the same time rather than considering the issues as they arise upon the release of each of the various reports. The State of Oklahoma would suggest that the probable report release date of the various studies being made should be considered, along with a consideration of the scope of each of the various studies to determine which reports will identify issues relevant to this

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request for a construction permit. Certainly, it is submitted, that the reports of the Kemeny Commission, the Rogovin Committee and the U.S. Nuclear Regulatory Commission Staff Long-Term Recommendations being prepared by the TMI Lessons Learned Task Force could spotlight issues of concern and such issues should be considered in hearings in this matter if the reports will be available in the near future. Since the Black Fox Station will potentially be one of the first construction permit requests to be considered for approval since the accident at TMI-2 and could potentially be the first permit whose issuance reflects full consideration of all of the issues raised by the TMI-2 accident and resulting commitments regarding safety design, it is submitted that careful consideration of the issues which have been and are yet to be identified in the near future is prudent.

All parties are no doubt concerned by the fact that a delay in the construction of Black Fox Station could result in increased costs due to inflation and other concurrent cost increases which are now being borne by the shareholders of the Applicants but may eventually be borne by the customers of the Applicants. However, the cost of delays must be balanced against the fact that premature construction could result in increased costs due to the additional high cost of retro-fitting construction which has already been completed but fails to meet regulatory safety design requirements which might be implemented in the near future as safety design problems are identified and result in regulations to deal with these problems which must be met before the plant can be put in service. It is submitted that it is not economically prudent to proceed into the full-scale construction phase of the Black Fox Station if, in all probability, all major issues will be known in the near future which should be considered at future hearings before a construction permit is issued in order to assure that all construction will be carried out with a design or a commitment to meet all regulatory safety design requirements.

Discretion being vested in the Board concerning the timing for any future hearings, it is sincerely requested by the State of Oklahoma that the Board give careful consideration to whether it should have any hearings before all of the safety-related reports which might raise new issues relevant to this matter are released and their contents known and submits that all safety issues must be considered which resulted from the TMI-2 accident and construction be designed to meet certain safety standards or that a commitment be made to meet safety standards in order to insure that all construction done on the Black Fox Station is done with a design to build a safe plant and the high priority of achieving such goal.

Attorneys for the Applicants have raised their concern to the State of Oklahoma that those portions of the Motion to Stay which was filed by the State of Oklahoma which have not been ruled upon but are still pending will interfere with the Board's discretion to

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conduct further hearings in this matter. The State of Oklahoma does not share this concern in light of the Board's statement in its Order of June 13, 1979, that it would defer ruling on certain portions of such Motion pending the U.S. Nuclear Regulatory Commission staff's report on the regulatory implications of the TMI-2 accident. However, the State of Oklahoma feels that its Motion is consistent with the views expressed herein in that any decisions regarding safety related issues relevant to the construction permit review should not be made until any additional safety related issues which may arise in the near future are known so that all safety related issues can be resolved at the same time.

However, should the Board desire to proceed at this time on those issues which have been identified to date, then the State of Oklahoma will commit to an orderly examination of such issues.

Respectfully submitted,

Jan Eric Cartwright  
Attorney General of Oklahoma



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Attorneys for the State of Oklahoma

LAW-Z:me

Enclosure

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# Black Fox Hearings May Re-Open Soon

TULSA — Public hearings on safety of the proposed Black Fox nuclear plant could reopen as early as next month, Public Service of Oklahoma announced Thursday.

PSO President R.O. Newsman told a news conference the utility has reversed its position and now supports reopening the hearings.

"It has become clear the public's interest will best be served by openly re-

viewing the lessons learned from Three Mile Island as they might apply to Black Fox Station," he said.

"I feel we need to retain the confidence of the people of Oklahoma that we can safely build and operate Black Fox Station," Newman added.

"We have a majority now, and would not want to lose that important public trust by not bringing the Three Mile Island issues

into the open," he said. "If additional hearings will promote the public confidence in Black Fox, the cost of the delay is worth it."

PSO was told recently by Nuclear Regulatory Commission officials that Black Fox Station likely would receive the first construction permit safety review since Three Mile Island.

No objections are expected to PSO's request that the Atomic Safety and Licensing Board reopen Black Fox safety hearings and the utility hopes a prompt schedule can be established so hearings could start in September, a PSO spokesman said.

The Atomic Safety and Licensing Board prior to PSO's new request had not ruled on an earlier motion by other parties that the hearings be reopened.

The board had been waiting for a technical report from the NRC staff on the relationship between Black Fox and Three Mile Island's operations.

Public hearings on Black Fox were begun last October and continued for three sessions, concluding in late February.

At that time, PSO was expected to get its construction permit for the plant by July 1. However, Three Mile Island events resulted in the NRC imposing an informal moratorium on licensing activities.

PSO announced in June it had formed a technical advisory committee to study implications of Three Mile Island on Black Fox.

The committee subsequently prepared an 80-page report, submitted to the NRC, concluding none of the Three Mile Island issues involved design changes required prior to issuance of a construction permit.

After that report, PSO initially felt public interest would best be served by avoiding unnecessary delays which probably would increase the cost of the project, already projected at more than \$2 billion.



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