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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
UNITED STATES DEPARTMENT OF ENERGY )  
 )  
PROJECT MANAGEMENT CORPORATION )  
 )  
TENNESSEE VALLEY AUTHORITY )  
 )  
(Clinch River Breeder Reactor Plant) )

Docket No. 50-537

APPLICANTS' RESPONSE TO  
MOTION OF INTERVENORS TO  
TERMINATE THE APPEAL PROCEEDINGS,  
VACATE PARTIAL INITIAL DECISION,  
AND AUTHORIZE REVOCATION  
OF LIMITED WORK AUTHORIZATION

The United States Department of Energy and Project Management Corporation, for themselves and on behalf of the Tennessee Valley Authority (the Applicants), hereby file this Response to Motion of Intervenor to Terminate the Appeal Proceedings, Vacate Partial Initial Decision, and Authorize Revocation of Limited Work Authorization, dated November 23, 1983 [hereinafter "Intervenors' Motion"]. In support of this Response, the Applicants state the following:

1. The Applicants concede that Congress has not appropriated funds for project continuance and that there is no reasonable likelihood that such funding will be appropriated.

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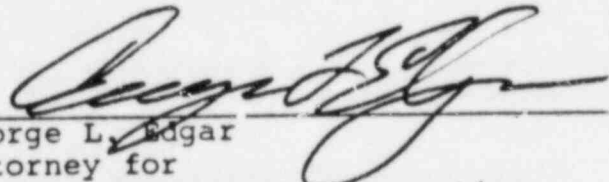
2. The Applicants concede that the project participants have taken steps to reach agreement to terminate the project, but state that the agreement to terminate the project (Attachment C to Intervenor's Motion) has not been executed by all participants. That will not occur until the Tennessee Valley Authority (TVA) Board of Directors meets and approves TVA's execution of the agreement. This should occur within the next few weeks, and the Applicants will so advise the Appeal Board.


3. Intervenor's Motion states that recent congressional and project participants' actions "have rendered these appeal proceedings moot, and removed the power of the Appeal Board to grant Intervenor any effectual relief". Intervenor's Motion at 8. While Applicants believe that power to grant effectual relief to Intervenor was removed when Intervenor withdrew from the Construction Permit proceedings before the Licensing Board, Applicants do concede that, for all practical purposes, these appeal proceedings are now moot and there is no doubt that the Appeal Board's power to grant effectual relief to Intervenor has been removed. Accordingly, Applicants have no objection to the grant of Intervenor's motion, on grounds of mootness, insofar as it seeks to terminate the appeal proceeding and vacate the Licensing Board's Partial Initial Decision. In view of the Director of Nuclear Reactor Regulation's existing authority under the Commission's regulations, and Appeal Board's expected action to vacate the Partial Initial Decision in response to the instant

motion, there is simply no need for the Appeal Board to authorize the Director to revoke the LWA.

Accordingly, Intervenor's Motion should be granted, on grounds of mootness, insofar as it seeks to terminate the appeal proceeding and vacate the Partial Initial Decision.

Respectfully submitted,

  
George L. Edgar  
Attorney for  
Project Management Corporation

  
William D. Luck  
Attorney for  
United States Department of Energy

DATED: December 5, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
UNITED STATES DEPARTMENT OF ENERGY )  
 )  
PROJECT MANAGEMENT CORPORATION )  
 )  
TENNESSEE VALLEY AUTHORITY )  
 )  
(Clinch River Breeder Reactor Plant) )  
 )

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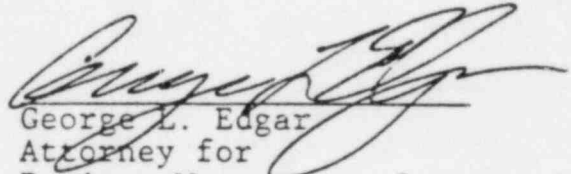
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DATED: December 5, 1983

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