UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of

(Fermi Nuclear Power Plant	)	
Independent Spent Fuel Storage	)	Docket No. 72-71-EA
Installation: Order Modifying	)	ASLBP No. 09-888-03-EA-BD01
License (Effective Immediately))	)	June 1, 2009
(EA-09-072)	)	

ANSWER OF DETROIT EDISON COMPANY TO PETITION TO INTERVENE AND REQUEST FOR HEARING FILED ON BEHALF OF BEYOND NUCLEAR AND EIGHT INDIVIDUAL PETITIONERS

I. BACKGROUND

Detroit Edison Company ("DTE") is the owner and licensed operator of the Fermi Nuclear Power Plant, Unit 2, which includes a colocated Independent Spent Fuel Storage Installation (the "Fermi ISFSI"). DTE holds a general license for the Fermi ISFSI from the Nuclear Regulatory Commission ("NRC" or "Commission") issued under the provisions of 10 CFR Part 72, § 72.210. DTE has identified to the NRC its near-term plans to store spent fuel at the Fermi ISFSI.[1]

On April 7, 2009, the NRC's Director of Nuclear Material Safety and Safeguards imposed, by Order of the same date, certain immediately effective Additional Security Measures

[1] DTE notified the NRC on December 10, 2007, pursuant to 10 CFR § 72.140(d), of its intent to construct an ISFSI at the existing Fermi nuclear plant site under the general license provisions of 10 CFR § 72.210, using the HOLTEC HI_STORM 100 dry cask storage system. Letter, Joseph H. Plona (DTE) to NRC, Notification of Intent to Store Spent Fuel at an ISFSI and Notification of Intent to Apply a Previously Approved 10 CFR Part 50 Quality Assurance Program to ISFSI Activities, NRC-07-0060. DTE is also the applicant, in a separate NRC docket (Docket No. 52-033) for a combined construction permit and operating license ("COL") for an additional unit, Fermi 3, on the Fermi site.

on the proposed Fermi ISFSI. Order EA-09-072, "Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to Fermi Power Plant Independent Spent Fuel Storage Installation" (the "Order"), published at 74 *Federal Register* 17890-95 (April 17, 2009). Part II of the Order notes that the Commission, in order to respond to the threat made evident by the attacks of September 11, 2001, has issued a series of Orders beginning in 2002, and has conducted a series of reviews on its own, and with other governmental and industry organizations,

> to discuss and evaluate the current threat environment in order to assess the adequacy of security measures at licensed facilities. In addition, the Commission has conducted a comprehensive review of its safeguards and security programs and requirements.
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> As a result of its consideration of current safeguards and security requirements, as well as a review of information provided by the intelligence community, the Commission has determined that certain additional security measures (ASMs) are required to address the current threat environment, in a consistent manner throughout the nuclear ISFSI community. Therefore, the Commission is imposing requirements, as set forth in Attachments 1 and 2 of this Order, on all licensees of these facilities. These requirements, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the public health and safety, the environment, and common defense and security continue to be adequately protected in the current threat environment. These requirements will remain in effect until the Commission determines otherwise.

74 *Fed. Reg.* 17890 (col. 3)-17891 (col. 1) The Order has no other intent or effect than to impose, immediately and pursuant to an implementation schedule, these Additional Security Measures. [2]

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[2] The provisions of this Order are not unique to Fermi, but rather have been issued by the NRC to ISFSIs generally, first to ones already in operation and then to others as they approach receipt of fuel. 74 *Fed. Reg.* 17890-91. *See also, e.g.*, 74 *Fed. Reg.* 12155, In the Matter of Exelon Generation Company, LaSalle County Station, Independent Spent Fuel Installation, Order Modifying License (Effective Immediately) (March 23, 2009); 74 *Fed. Reg.* 17885, In the Matter of FirstEnergy Operating Company; Perry Nuclear Power Plant Independent Spent Fuel Installation, Order Modifying License (Effective Immediately) (April 17, 2009).

Part IV of the Order required DTE to submit an answer "within 20 days of the date of the Order," *i.e.*, by April 27, 2009, specifying DTE's intended manner and timetable for compliance. It also permitted DTE to request a hearing in the event it believed it was adversely affected by the Order. Part IV also permitted "any other person adversely affected by this Order" to submit an answer "within 20 days of the date of the Order," *i.e.*, by April 27, 2009, and to request a hearing if desired. 74 *Fed. Reg.* 17890, at 17891 (col. 3).

Part IV of the Order also specified requirements for such answers and requests for hearing. As applied to any person other than DTE, it required that any such person shall "set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the hearing and intervention criteria set forth in 10 CFR § 2.309." *Id.* It also stipulated that if a hearing were to be held, "the issue to be considered shall be whether this Order should be sustained." *Id.* Finally, Part IV of the Order stated that for good cause shown, "consideration will be given to extending the time to answer or request a hearing," and specified the means for obtaining such an extension. *Id.*

DTE filed a timely response to the Order, on April 22, 2009 (the "Response"). It specified DTE's current compliance status with respect to the Order's requirements and set out a timetable for completion of the remaining outstanding items. It committed to full compliance within the 180-day period allowed by the Order, *i.e.*, by October 4, 2009, and did not request any relief from the Order or a hearing on it.

On May 7, 2009, a paper petitioning for intervention and requesting a hearing (the "Petition") was filed on behalf of an organization called Beyond Nuclear and eight named individuals (the "Petitioners"). Although filed ten days after the 20-day deadline specified in the Order, the Petition did not address the issue of timeliness. The previous day, May 6, a

representative of Beyond Nuclear, Kevin Kamps, had filed a one-page letter requesting an extension of unspecified duration from the deadline, to request intervention and a hearing. The letter recited a "just" completed telephone conversation on the subject with a member of the NRC Staff.[3] The letter did not mention, or contain any request for, an extension of filing deadlines on behalf of, any individuals, or any entities other than Beyond Nuclear. The NRC Staff denied the requested extension in writing on May 8, noting that the Order was dated April 7 and had required responses within 20 days from its date, but that it had stated that for good cause, "consideration [would] be given to extending that deadline."[4]

II. SUMMARY OF ARGUMENT

The Petition should be denied for four distinct, individually sufficient reasons:

(1) The Petition requests relief that is totally outside the scope of this proceeding, which is defined by the Commission's Order as being "whether the Order should be sustained." The Order imposes certain immediately effective changes in the ISFSI's general license, and the Commission, by its specification of the scope of the proceeding, has limited it solely to consideration of the effect of those changes on the pre-existing level of safety at the Fermi ISFSI

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[3] Letter, Kamps to Director of NRC NMSS, May 6, 2009. The sole stated basis for the request is a two-sentence recitation that Beyond Nuclear, "as well as a coalition of several other organizations and individuals," had finished, just the previous day, a "very demanding" prehearing conference on DTE's proposed Fermi Unit 3, where they were petitioning for intervention and a hearing.

[4] Letter, Pstrak (NRC) to Lodge, May 8, 2009, Subject: DENIAL OF REQUEST FOR EXTENSION OF TIME TO REQUEST A HEARING RELATED TO THE ORDER FOR IMPLEMENTATION OF ADDITIONAL SECURITY MEASURES AND FINGERPRINTING FOR UNESCORTED ACCESS FOR FERMI POWER PLANT INDEPENDENT SPENT FUEL STORAGE INSTALLATION; Letter, Pstrak (NRC) to Kamps, May 8, 2009, Subject: DENIAL OF REQUEST FOR EXTENSION OF TIME TO REQUEST A HEARING RELATED TO THE ORDER FOR IMPLEMENTATION OF ADDITIONAL SECURITY MEASURES AND FINGERPRINTING FOR UNESCORTED ACCESS FOR FERMI POWER PLANT INDEPENDENT SPENT FUEL STORAGE INSTALLATION.

under its general license. Under *Bellotti v. NRC*, 725 F.2d 1380 (D.C. Cir. 1983) ("*Bellotti*"), which has been consistently followed in NRC proceedings, the Commission has the authority to so limit the scope of its proceedings; and license changes that, like the one at issue, enhance safety are almost axiomatically beyond the reach of hearing requests.[5] In any event, the issues sought to be raised by the Petition -- discussed specifically below with respect to the three individual contentions filed -- do not fit within the narrow window left under *Bellotti*, and no attempt has been made by Petitioners so to fit them.

(2) The Petition is nontimely, without any showing of good cause. The Order plainly specifies the deadline for submission of requests for hearing as "20 days from the date of the Order." 74 *Fed. Reg.* at 17891 (col. 3). Responses were thus due April 27. See 10 CFR §§ 2.202, 2.309(b)(5). The Petition was not filed until 10 days after that, on May 7. The Order and the pertinent regulation both contemplate extensions of the 20-day deadline "[w]here good cause is shown," but the Petition makes no attempt to show good cause, and neither it nor Petitioners' separate May 6 letter address any of the mandatory criteria for nontimely filings contained in 10 CFR § 2.309(c).[6]

(3) Petitioners do not have standing. The Individuals do not have standing: the only clear basis pleaded by any of them for standing is residence within 50 miles of Fermi, which is

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[5] Only changes that adversely affect the legally cognizable interests of an affected party can become the subject-matter of a proceeding; and since the Order tightens otherwise applicable and acceptable security measures, it is difficult to posit an adverse effect from such changes. See *Bellotti*, 725 F.2d at 1382-83.

[6] Petitioners may have been under a mistake as to the actual deadline, see ADAMS Accession #ML 091390250, email Kamps to NRC Hearing Docket 5/6/09; but even if so, that fact provides, as most, an opportunity to show good cause. Further, the May 6 letter -- Petitioners' closest approach to a request for a filing extension -- does not even purport to be filed on behalf of any individual petitioners. Thus the eight Petitioners whose affidavits are attached to the Petition are simply not timely.

not sufficient to establish individual standing for an ISFSI proceeding. Nor have any of the individual Petitioners pleaded any interest which could be adversely affected by the issuance of the Order, much less offered a demonstration of how that interest would be adversely affected by the Order or that adverse effect redressed by an NRC proceeding. Beyond Nuclear does not have representational standing with respect to any of the eight individual Petitioners, since none of them has demonstrated a basis for individual standing and none of them has proffered one or more admissible contentions. Nor has Beyond Nuclear pleaded facts sufficient to establish that it has organizational standing independently.

(4) None of the proffered contentions is admissible. As is shown more specifically below, none of them addresses, much less satisfies, any of the six applicable requirements of 10 CFR § 2.309(f)(i)-(vi).

For these reasons, the Petition should be rejected in entirety.

III. ARGUMENT

A. THE PETITION IS OUTSIDE THE SCOPE OF THE PROCEEDING.

This proceeding is technically in the nature of an enforcement proceeding, and its scope is defined by the proposed action: the effect of issuance of an immediately effective Order by the NRC. Unlike a licensing proceeding, it is not scoped by an application; indeed, DTE already possesses, in its general license for the Fermi ISFSI, 10 CFR § 72.210, the only license that it will need for the installation. The intended effect of the Order is not to relax standards that are presumptively already adequate, but rather to tighten them.

The NRC has defined the scope of any proceeding with respect to its Order as being "whether the order should be sustained." 74 *Fed. Reg.* 17890, 17892. This means, in essence, that the only issue available for examination in this proceeding is the effect of the Order: more specifically, whether the Order has an adverse effect on the already existing levels of safety of

the Fermi ISFSI, and if so, whether that reduction in safety levels is consistent with protection of the public health and safety. Where, as here, the intended effect of an order is to increase safety levels, it is almost axiomatic that unless the Commission is mistaken in its expectation about the effect of its order, there is no litigable issue available.

Long-standing Commission practice on this issue was approved by the U. S. Court of Appeals for the District of Columbia Circuit in 1983, in *Bellotti v. NRC,* 725 F.2d 1380 (D.C. Cir. 1983). There, in a situation involving Boston Edison, licensee of the Pilgrim Nuclear Power Station, the Commission had imposed upon plant management a set of corrective measures to increase safety at the plant, through an immediately effective modification to its operating license. The order also, in providing the hearing opportunity required under the Atomic Energy Act, had specified that the scope of the proceeding was to be limited to the issue of "whether the Order should be sustained," which it defined in turn as being whether the order should have been issued at all, as distinguished from a broader series of issues such as whether further corrective measures, beyond those specified in the order, might have been undertaken. *Id.* at 1382.

The Court of Appeals upheld the Commission's determinations against a broad challenge by the Attorney-General of Massachusetts. It first sustained the Commission's authority to define and limit the scope of its proceedings. It also upheld the Commission's application of those principles in the matter before it, noting that proceedings will lead to the denial of intervention when, but only when, the Commission is seeking to make a facility's operation safer, and not when it is proposing to relax safety requirements. *Id.* at 1383. The Court noted that interested parties always have access to the license-modification petition process under 10 CFR § 2.206. *Id.*

The holdings and reasoning of *Bellotti* have been consistently followed in Commission proceedings, most recently, and dispositively, in *State of Alaska Department of Transportation and Public Facilities* (Confirmatory Order Modifying License), CLI-04-26, 60 NRC 399 (2004) (hereinafter, *Alaska DOT).* There, in an enforcement context, the Staff had imposed, and the Licensee had agreed to, a Confirmatory Order modifying its license. A notice of opportunity for hearing had provided persons adversely affected by the Order to request a hearing within 20 days and had limited the issue to be considered at such a hearing to "whether this Confirmatory Order should be sustained." *Id.* at 403, *quoting* 69 *Fed. Reg.* at 13596. A would-be intervenor sought to litigate contentions that would strengthen and extend the provisions of the Confirmatory Order. The Licensing Board had found the intervenor to have standing and admitted one of the proposed contentions. The Commission, on appeal, reversed, stating:

> For the third time this year we address the question whether petitioners may obtain Licensing Board hearings to challenge NRC Staff enforcement orders as too weak or otherwise insufficient. The answer, under a longstanding Commission policy upheld in *Bellotti v. NRC,* is no. The only issue in an NRC enforcement proceeding is whether the order should be sustained. Boards are not to consider whether such orders need strengthening. As the court said in *Bellotti,* allowing NRC hearings on claims for stronger enforcement remedies risks "turning focused regulatory proceedings into amorphous public extravaganzas." As we explain below, *Bellotti* means that [Petitioner] lacks "standing" to seek a hearing and also lacks admissible contentions.

60 NRC at 404 (citations omitted).

With respect to the issue of standing, the Commission stated:

> To obtain a hearing, a petitioner must demonstrate "an interest affected by the proceeding - *i.e.,* standing - and submit at least one admissible contention. To establish standing, a petitioner must show: "(1) an 'injury in fact' (2) that is fairly traceable to the challenged action and (3) is likely to be redressed by a favorable decision." If the petitioner requests a remedy that is beyond the scope of the hearing, then the hearing request must be denied because redressability is an element of standing.
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> For an enforcement order, the threshold question -- related to both standing and admissibility of contentions -- is whether the hearing request is within the scope of the proceeding as outlined in the order.

> The Commission has the authority to define the scope of the hearing, and this authority includes limiting the hearing to the question whether the order should be sustained. Thus, the only matters at issue in this proceeding are the measures listed in the enforcement order to promote, evaluate, and maintain [safety].
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> * * *
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> The Board majority erred when it stated that [Petitioner's] injury was traceable to the Confirmatory Order and, on that basis, found him to have standing. [Petitioner's] position immediately after the requested rescission of the Confirmatory Order would *not* be improved, for the situation would revert to what it was before the order. To decide whether the order should be upheld, the pertinent time contrast is between the petitioner's position with and without the order in question -- not between the disputed order and a hypothetical substitute order, whether or not that substitute order be, in [Petitioner's] estimation, an improvement. ... A petitioner ... simply is not adversely affected by a Confirmatory Order that improves the safety situation over what it was in the absence of the order.

Id. at 405-06 (citations omitted). If the point were not clearly enough made already, the Commission observed further that:

> In practicality it is unlikely that petitioners will often obtain hearings on confirmatory enforcement orders. That's [*sic*] because such orders presumably enhance rather than diminish public safety. Nevertheless, the notice of opportunity for hearing provides the public a "safety valve" because an order conceivably may remove a restriction upon a licensee or otherwise have the effect of worsening the safety situation. Such an order remains open to challenge. *See Bellotti, 725 F.2d at 1383.* As Judge Bollwerk stated in his dissent:
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> > [A] challenge to an order based on the premise that its terms, if carried out, would be affirmatively contrary to the public health and safety (as opposed to being deficient because it does not impose other or additional measures) would be one that seemingly would fall within the scope of a proceeding as envisioned under *Bellotti.*

Id. at 406, n. 28. Or, just to establish the point one final time: "The critical inquiry under *Bellotti* in a proceeding on a confirmatory order is whether the order improves the licensee's health and safety conditions. If it does, no hearing is appropriate." *Id.* at 408.[7]

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[7] The *Alaska DOT* case involved a Confirmatory Order, not a unilaterally imposed one. But that fact makes no difference in the instant case. As the Commission observed there, 60

The *Bellotti* case, as construed and applied in *Alaska DOT*, is dispositive of both standing and contention issues in an enforcement context such as this, where the Commission has unilaterally imposed an immediately effective order with the stated purpose of improving the safety, against potential terrorist attack, of the Fermi ISFSI. *See* 74 *Fed. Reg.* at 17890 (col.3)-17891 (col.1). Had the Commission predicated issuance of the Order on some stated reason other than improvement of safety, and had Petitioners argued that it adversely affected some legally cognizable interest of theirs relative to the status preceding its issuance, they would have a basis -- assuming that they also demonstrated standing and submitted at least one admissible contention -- to request a hearing. But they have not done so: they have not alleged that the Order has adversely affected safety relative to the situation prior to its issuance, but rather have raised totally distinct issues with no claimed discernible relationship to adverse effects allegedly attributable to the Order. As a result, the Petition does not go at all to the issue of whether they have raised issues that could be redressed by rescission of the Order, and thus not to the fundamental question of whether the Order should be sustained. The Petition should be denied at the threshold as raising issues that are solely outside the scope of the proceeding established, within its authority, by the Commission.

B. THE PETITION IS FATALLY UNTIMELY.

The Order was issued on, and was dated, April 7, 2009. It provided an opportunity to "request a hearing on this Order within 20 days of the date of the Order." 74 *Fed. Reg.* at 17891 col. 3. That 20-day period expired on April 27. The Petition was not filed until May 7, 10 days

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NRC at 408, the only difference made by that fact is that since the licensee has consented to the Order, it no longer has the power to seek relief from it in a hearing. In the case of a unilaterally imposed Order, the licensee retains this option, including the power to challenge both the Staff's factual findings and the Order's proposed sanctions/remedies.

thereafter and 30 days after the date of the Order. It was thus untimely and is subject to dismissal at the outset.[8]

The Order was issued under 10 CFR § 2.202, which provides for responses by the licensee or by any other person subject to it within 20 days, or such other time as may be specified in the Order. 10 CFR § 2.202(a)(1). The licensee or any other person claiming to be adversely affected may demand a hearing "within 20 days of the date of the Order or such other time as is specified in the Order." 10 CFR § 2.202(a)(3). Proceedings for such orders are governed by 10 CFR Part 2 Subpart C, §§ 2.300 *et seq.* See 10 CFR § 2.300. Section 2.309(b)(5) provides that the response period for orders issued under § 2.202 is "the time period provided therein." For the April 7 Order, which specified a 20-day response period from its date, that deadline was unquestionably April 27. The regulations are clear in distinguishing proceedings triggered by the date of an Order (§ 2.202 proceedings, *see* § 2.309(b)(5)), from proceedings triggered by *Federal Register* publication (license transfers (§ 2.309(b)(1)); high level waste repository licensing (§ 2.309(b)(2)); other proceedings when *Federal Register* notice of agency action is published (§ 2.309(b)(3))). There can be no doubt that the filing deadline for Petitioners in this § 2.202 proceeding was April 27.

The Order provided an opportunity, "where good cause is shown," for "extending the time to answer or request a hearing." 74 *Fed. Reg.* at 17891 col. 3. So do the Commission's intervention regulations, where petitioner makes a showing of good cause and satisfies other elements of an eight-factor balancing test that includes standing issues, the extent to which petitioner's interests can otherwise be protected, and the extent to which petitioner's

[8] Petitioners may have misread the *Federal Register* notice publishing the Order and thus been under a mistake as to the actual deadline, see ADAMS Accession #ML 091390250, email Kamps to NRC Hearing Docket dated 5/6/09; but even if so, that fact provides, as most, an opportunity to show good cause.

participation would broaden or delay the proceeding. 10 CFR § 2.309(c)(i)-(viii). Addressing these factors is mandatory. But the Petition offers no attempt at a showing of good cause and does not even mention the eight mandatory factors set out in § 2309(c).[9] The Petition is nontimely, without justification, by 10 days. It may not be entertained and must be rejected.[10]

C. PETITIONERS LACK STANDING TO INTERVENE.

The Petitioners have not proffered adequate evidence or argument to establish standing in this matter. Under the Commission's regulations, 10 CFR § 2.309(d)(1), any person who requests a hearing or seeks to intervene in a Commission proceeding must provide the following demonstration of a legally cognizable interest, or standing:

(i) The name, address and telephone number of the requestor or petitioner;

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[9] The regulation requires specifically that any untimely petition "shall address the factors in paragraphs (c)(1)(i) through (c)(1)(viii) of this section in its nontimely filing." 10 CFR § 2.309(c)(2). The Petition does not do so, indeed, makes no attempt to do so. Absent such a showing to the satisfaction of the Commission or the designated Atomic Safety and Licensing Board, "[n]ontimely requests and/or petitions and contentions will not be entertained...." 10 CFR § 2.309(c)(1) (emphasis added).

[10] On May 6, the day before the Petition was filed, Kevin Kamps, a representative of Beyond Nuclear, apparently contacted the Staff by telephone and email with respect to filing late, and later on the same day filed an eleven-line letter with MSS that purported to be a request to file out of time. The letter notes the Order's *Federal Register* publication date of April 17, but apparently presumes incorrectly that the 20-day response deadline runs from the date of *Federal Register* publication rather than from the date of the Order, and thus incorrectly presumes that the filing deadline is May 7. Its statement of good cause consists of an assertion of the involvement of Beyond Nuclear "and several other organizations and individuals" in a "very demanding" one-day prehearing conference before this Board, held in Monroe, Michigan for the Fermi 3 application. The letter does not satisfy the requirements of § 2.309(c)2), which requires that an explanation for the tardiness of a nontimely filing be contained in the filing itself. But in any event, the letter offers no explanation of how voluntary involvement in Fermi 3 prevented Beyond Nuclear from making a timely request for an extension of the Order's filing deadline; nor makes any attempt to address any of the other specifically required late-filing provisions of § 2.309(c). Finally, the letter makes no reference to any of the individuals on whose behalf Beyond Nuclear claims representational standing; thus, even if the letter were deemed adequate to cover Beyond Nuclear, it does not seek an extension for the eight individuals, and their petitions are thus definitionally out of time.

(ii) The nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding;

(iii) The nature and extent of the requestor's/petitioner's property, financial or other interest in the proceeding; and

(iv) The possible effect of any decision or order that may be issued in the proceeding on the requestor's/petitioner's interest.

NRC case law summarizes this regulation, which is intended to mirror generally applicable contemporary judicial standards of standing, and to require demonstration of (i) an 'injury-in-fact' that is (ii) "fairly traceable to the challenged action" and (iii) redressable in the subject proceeding. *Sequoyah Fuels Corp. & Gen. Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 71-72 (1994), citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992) and *Cleveland Elec. Illuminating Co.* (Perry Nuclear Power Plant, Unit 1), CLI-93-21, 38 NRC 87, 92 (1993).[11]

The Petition of Beyond Nuclear and of the eight individuals (the "Individuals") filed with it relegates its entire argument for organizational and personal standing to "the declarations of the organizations [sic] and individuals provided with this Petition." (Petition at 5).

The total demonstration in the Declarations consists, for individuals, of the following identical two paragraphs from each of the Individuals' Declarations:

1. I am a member in good standing of Beyond Nuclear, a nonprofit organization located in Takoma Park, Maryland. I reside at [...]. My residence lies within 50 miles of the proposed site of the independent spent fuel storage installation proposed to be deployed and operated by Detroit Edison Company at the site of its Fermi 2 nuclear power plant at Newport, Michigan.

2. I am concerned that if the NRC approves proposed installation and security measures for the Fermi 2 ISFSI in their present form, the construction and deployment of dry cask storage at Fermi 2 could adversely affect my health

[11] *Sequoyah* further held that the petitioner must demonstrate that the injury-in-fact is concrete and particularized, not conjectural or hypothetical, and that the chain of causation between such injury and the challenged action is plausible.

> and safety and the integrity of the environment in which I live. I am particularly concerned about the risk of the accidental release or intention release as a result of deliberate human acts of radiation into the environment and the potential harm to groundwater and surface waters.

E.g., Declaration of Shirley M. Steinman, Petition at 33.

Beyond Nuclear introduces itself as "a Maryland-based public education and advocacy group that aims to educate and activate the public on issues pertaining to the hazards of nuclear power...." Petition at 2. Its entire demonstration of standing consists of the following three sentences from the Declaration of Kevin Kamps, its "authorized official":

> Beyond Nuclear has approximately 8000 members overall, and several live within 50 miles of the Fermi 2 ISFSI site. Beyond Nuclear is concerned that if the NRC approves proposed installation and security measures for the Fermi 2 ISFSI in their present form, the construction and deployment of dry cask storage at Fermi 2 could adversely affect the health and safety and the integrity of the environment in which Beyond Nuclear members live. Beyond Nuclear is particularly concerned about the risk of the accidental release or intention release as a result of deliberate human acts of radiation into the environment and the potential harm to groundwater and surface waters.

Declaration of Kevin Kamps on behalf of Beyond Nuclear, Petition at 25.

1. Individual Standing

The Petition, in paragraph 1 of each individual's Declaration, provides the personal identifying information on individual petitioners required by subparagraph (i) of 10 CFR § 2.309(d)(1). But the Petition fails to address, much less demonstrate, how any of the Petitioners satisfy any of the required three elements for standing for this proceeding -- interest, adverse effect, and redressability -- set out in subparagraphs (ii)-(iv) of § 2.309(d)(1), and thus fails to carry Petitioners' burden of making a *prima facie* showing that Petitioners, or any of them, have standing to contest the Order.

The eight Individuals who have joined with Beyond Nuclear to request intervention and/or a hearing regarding the Order -- Keith Gunter, Michael J. Keegan, Marilyn R. Timmer, Leonard Mandeville, Frank Mantei, Marcee Meyers, Mark Farris and Shirley Steinman -- fail to plead the requisite injury, causation and redressability to establish standing.

The Petition avers that the Individuals have presumptive standing due to the fact they all live within 50 miles of "the new nuclear plant that may be constructed on the site." Petition at 5. But it avers nothing further. This argument fails at the outset because (i) the Order relates not to construction of a new nuclear plant (presumably, Fermi 3) but to increased security measures at the Fermi ISFSI, and (ii) the proximity-based standing presumptions historically used to establish standing in connection with reactor licensings do not apply in ISFSI proceedings because of the recognized differences in risk posed by two different kinds of facilities. Thus living within 50 miles of the Fermi ISFSI, by itself, is insufficient to support a showing of standing in connection with an ISFSI.

In the Big Rock Point ISFSI license transfer proceeding, the Commission, reviewing a Licensing Board standing decision, noted that "...an ISFSI is essentially a passive structure rather than an operating facility, and there therefore is less chance of widespread radioactive release." *Consumers Energy Co.* (Big Rock Point ISFSI) CLI-07-19, 65 NRC 423 (2007) at 426. The Commission then confirmed its holding in previous cases that

> We determine on a case-by-case basis whether the proximity presumption should apply, considering the "obvious potential for offsite [radiological] consequences," or lack thereof, from the application at issue, and specifically "taking into account the nature of the proposed action and the significance of the radioactive source."

The Commission went on to hold that in an ISFSI license-transfer proceeding, a mere allegation of a 50-mile proximity assertion did not qualify Petitioner for standing. *Id.* at 426.

On Intervenor's motion for reconsideration, the Commission affirmed its prior holding, and rejected as insufficient Petitioner's late-added standing averments that he lived, not 50 miles away but 40-42 miles away, and that he sailed to within 15 miles of the site "several times" annually and within a mile of it "every few years," and that he stopped at a park within a mile of the site "several times a year to (among other things) collect water from an artesian well." *Consumers Energy Co.* (Big Rock Point ISFSI), CLI-07-21, 65 NRC 519 (2007) at 522-23.

The Commission provided two bases for rejecting Petitioner's arguments. First, the Commission noted, the information "comes too late": the information necessary to establish standing does not fall into a category "which could not have been reasonably anticipated" in their initial filing. Second, on the merits, the Commission made clear that proximity alone is not a sufficient basis for establishing standing, but rather that inquiry is required into the actual basis of a petitioner's interest. Noting that simple proximity-based standing had been denied in license transfer proceedings for operating reactors where petitioners had plead residence within 5-10 miles, 12 miles, and 40 miles from operating reactors, the Commission rejected Petitioner's claim of proximity-based standing, even on the facts pleaded on reconsideration. *Id.*

Proceeding, then, to inquiry into whether the nature of Petitioner's involvement, as alleged in its pleadings on reconsideration, was sufficient, the Commission held that it was not. The Commission stated:

> This leaves only the question whether [Petitioner's] sporadic visits (sailing every few years and walking several times a year) to within about a mile of the ISFSI might qualify him for proximity-based standing. NRC licensing boards and the Commission itself have recognized proximity standing at such close distances where a petitioner "*frequently* engages in *substantial* business and related activities in the vicinity of the facility," engages in "normal, *everyday* activities" in the vicinity, has "*regular*" and "*frequent* contacts" in an area near a licensed facility, or otherwise has visits of a "length" and "nature" showing "an ongoing connection and presence." Conversely, the agency has denied proximity-based standing where contact has been limited to "*mere*

> *occasional trips* to areas located close to reactors." [Petitioner's] trips (sailing and walking) fall within this latter category of contacts.

Id. at 523-24.

Under the *Big Rock Point* decisions, Petitioners have failed to establish standing. Proximity alone is insufficient, certainly at distances even a small fraction of 50 miles from an ISFSI. Second, the actual nature of Petitioner's involvement must be probed, and "mere occasional" trips to a licensing site, as distinguished from "regular" and frequent contacts" are not sufficient. Individual Petitioners here have failed to plead any involvement whatever beyond residence at a distance too great to establish proximity-based standing *per se*. They have not established a basis for standing. Even though the Big Rock Point proceeding involved a license transfer for an ISFSI, as distinguished from construction and operation, the fundamental point -- that ISFSIs pose a categorically lower level of risk than reactors, and thus are not subject to a an unadorned 50-mile litmus test for an automatic finding of standing -- still holds.

No Licensing Board has accepted 50 miles as a proximity basis for standing in an ISFSI case, though two licensing Boards appear to have accepted a significantly smaller radius: in the Diablo Canyon and Shearon Harris ISFSI cases, Licensing Boards accepted a presumptive cutoff of 17 miles for establishment of proximity-based standing. *Pacific Gas & Electric Co.*(Diablo Canyon ISFSI), LBP-02-23, 56 NRC 413, 426-428 (2002); *Carolina Power & Light Co.* (Shearon Harris Nuclear Power Plant), LBP-99-25, 50 NRC 25, 29 (1999). However, in *Private Fuel Storage,* where it was established that certain individual petitioners lived between 4000 feet and 2 1/2 miles from the proposed ISFSI, the Licensing Board nevertheless also evaluated the nature of their alleged injury, as well as their authorization of an organization to represent them, when determining whether or not they had demonstrated standing (and by extension representational standing). *Private Fuel Storage, LLC* (Independent Fuel Storage Installation),

LBP-98-7, 47 NRC 142, 168, *aff'd on other grounds,* CLI-98-13, 48 NRC 26 (1998). Individual Petitioners' pleaded proximity -- 50 miles, with no averment of activity or involvement closer to the ISFSI site -- is thus clearly insufficient to establish standing.

The Individuals' Declarations also allege concern over injury to their health and safety, and to the integrity of the environment, "if the NRC approves proposed installation and security measures for the Fermi 2 ISFSI in their present form" at Fermi 2, "particularly" from "accidental release or intention [sic] release as a result of deliberate human acts." But the Individuals' averments of concern here are no more sufficient to establish their standing. First, they are not specific enough to establish a legal basis for their concern. More important, to the extent they express concern about potential effects from the Fermi security measures, it is about those measures "in their present form." This averment totally misses the intent of the Order: to effect required changes from present security measures. Thus Petitioner's claim is not directed to the subject-matter of the proceeding, and is barred under *Bellotti, supra.* Finally, the Individuals' averments contain no specification of the harm they expect from the operation of Fermi ISFSI under *any* security regime (and, in particular, the effect of the Order on the current measures). Nor do they indicate how they believe this proceeding -- whose sole function is limited to whether to ratify the changes to the existing security measures for the Fermi ISFSI -- could redress their alleged harm.

The upshot is that: (1) Individuals' only seriously pleaded basis for standing, residential proximity within 50 miles, is not sufficient for ISFSI proceedings, which require closer proximity and, in most cases, an examination of petitioners' actual bases of interest: (2) Individuals fail to plead any other adequate basis for their interest, and their sole apparent stated basis is barred by *Bellotti*; and (3) Individuals fail to plead any harm to their interest or any basis

for an expectation of redress in this proceeding. On these bases, none of the Individual Petitioners has demonstrated or can demonstrate standing at Fermi.

2. Beyond Nuclear's Standing

When an organization petitions to intervene in a proceeding, it must demonstrate either representational standing (based on the standing of its members) or organizational standing (arguing that the challenged proceeding could have potential negative effects on the organization's interests).[12]

For an organization to have representational standing, its members must have individual standing and must have authorized the organization to act on its behalf. *Philadelphia Electric Co., supra n. 12,* 15 NRC 1423, 1437. While the Individuals appear to have authorized Beyond Nuclear to act on their behalf, they do not, as shown above, have standing in their own right. Therefore Beyond Nuclear cannot have representational standing.

Beyond Nuclear could, alternatively, demonstrate its own organizational standing. To do so, it must demonstrate the same requirements of injury to itself[13], and of causation and redressability, as an individual must show. *Warth v. Seldin*, 422 U.S. 490, 498 (1975); *International Uranium (USA) Corp.* (White Mesa Uranium Mill), CLI-01-21, 54 NRC 247, 252 (2001).

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[12] *Shaw AREVA MOX Servs.* (Mixed Oxide Fuel Fabrication Facility), LBP-07-14, 66 NRC 169, 183 (2007), citing *Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-98-21, 48 NRC 185, 195 (1998); *Philadelphia Electric Co.* (Limerick Generating Station, Units 1 and 2), LBP-82-43A, 15 NRC 1423, 1437 (1982);

[13] An allegation of injury must establish: (1) that the action will cause an "injury in fact" to either (a) the organization's interests or (b) the interests of its members; and (2) that the injury is within the "zone of interests" protected by either the AEA or NEPA; and (3) that the injury can be redressed by the outcome of this proceeding. *Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-94-3, 39 NRC 95, 102 n.10 (1994); *International Uranium (USA) Corp.* (White Mesa Uranium Mill), CLI-01-21, 54 NRC 247, 252 (2001).

Beyond Nuclear fails to identify, in a concrete and particularized way, how the Order would impose any actual injury to its own interests. Beyond Nuclear does not allege any injury-in-fact to its own interests from the enhanced security measures attached to the Order or any causal link between the Order and its organizational interests. Petitioners thus fail to plead any actual injury to Beyond Nuclear, any causal link between the proceedings and any injury, and finally how any alleged injury is redressable by the proceedings. Beyond Nuclear, therefore, has not established any basis for organizational standing.

D. PETITIONERS HAVE NOT SUBMITTED ANY ADMISSIBLE CONTENTIONS.

Petitioners' request for intervention cannot be granted for another reason: Petitioners have failed to proffer any admissible contentions. The Commission's rules, which are "strict by design,"[14] establish the requirements for an admissible contention. A contention:

(i) must provide a specific statement of the issue of law or fact to be raised;

(ii) must provide a brief explanation of the basis for the contention;

(iii) must demonstrate that the issue raised in the contention is within the scope of the proceeding;

(iv) must demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;

(v) must provide concise statement of alleged facts or expert opinions which support the contention; and

(vi) must provide sufficient information to show that a genuine dispute exists with the licensee/applicant on a material issue of law.

10 CFR § 2.309 (f)(1). Contentions must be specific, and must have a basis. *Washington Public Power Supply System,* 17 NRC 546 (1983). Failure to comply with any of the rules "is grounds for the dismissal of a contention." *In re Florida Power & Light Co.*, LBP-08-14, 68 NRC 279 (Aug. 15, 2008).

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[14] *In re Dominion Nuclear Connecticut* Millstone Nuclear Power Station, Units 2 and 3), CLI-01-24, 54 N.R.C. 349, 358 (2001) ("*Dominion Nuclear Connecticut*").

None of Petitioners' three proffered contentions is admissible, for each consists of only general allegations with no coherent relationship to the Fermi ISFSI or the effect of the Order on physical security arrangements at it, and each fails to address, much less meet, the specific regulatory requirements established in 10 CFR § 2.309. Notably, none of the contentions makes even a single reference to any of the specific provisions of the security measures contained in the Order. Therefore, as Petitioners have failed to proffer at least one legally adequate and admissible contention, the Petition must be dismissed.

1. Physical Security Contention

Petitioners proffer as a first contention a laundry list of articles, reports and websites that criticize various aspects of security at NRC-licensed facilities. Taken as a whole, they are in the nature of background supporting a petition for rulemaking to modify the NRC's requirements for spent fuel storage. But they fail to focus at all on the subject matter of this proceeding: the effect of the Order on physical security arrangements at the Fermi ISFSI. Thus this contention is inadmissible.

This conclusion is illustrated by reference to each of the tests of 10 CFR § 2.309(f). First, the Petition fails to provide a specific statement of law or fact to be raised or controverted, as required by 10 CFR § 2.309 (f)(1)(i). Instead, it globally asserts that "[m]any investigations, reports, and analyses have revealed that high-level radioactive waste storage at nuclear power plants such as Fermi 2 involves safety and security risks," (Petition at 7-8), followed by a multi-page description of these studies, most of which appear to be related to underwater spent fuel pools, not dry cask storage facilities. The blanket statement that "security vulnerabilities have long been identified" does not place DTE or the Commission on notice as to which vulnerabilities at the Fermi ISFSI are of concern to the Petitioners, or, even more important, as to any assertedly adverse effect of the Order on these alleged vulnerabilities. As the Petitioners do

not identify any "specific illegality or safety flaw"[15] in the Fermi ISFSI license or facility that is created or worsened by the Order, the first contention does not comply with the regulatory requirement that it provide a specific statement of law or fact. It is therefore inadmissible.

Petitioners must also provide a brief explanation of the basis of the contention. 10 CFR § 2.309 (f)(1)(ii). As Petitioners have failed to provide an identifiable, specific contention, its historical summary of investigations, reports and analyses is insufficient for this regulatory requirement.

Next, Petitioners must demonstrate that the issue raised in this contention is within the scope of the proceeding. 10 CFR § 2.309(f)(1)(iii). The scope of this proceeding is limited by an Order that imposes certain specific security measures on the Fermi ISFSI. But none of Petitioners' material is linked to the adequacy, nature or imposition of the specific new security measures that are the subject of this proceeding. Petitioners do not allege, much less demonstrate, that the Order has adversely affected safety relative to the situation prior to its issuance. Petitioners have essentially attached a descriptive, historical list of documents in lieu of a contention that, to be admissible, must be supported by a specific, clear analysis explaining the significance of those documents to the issues involved in this proceeding.[16] Accordingly, the Petitioners' first contention is beyond the scope of this proceeding and is therefore inadmissible.[17]

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[15] *Dominion Nuclear Connecticut, supra* note 13, at 363

[16] *See e.g. Commonwealth Edison Co.* (Braidwood Nuclear Power Station, Units 1 and *2),* 21 NRC 1732, 1985 WL 56954 (NRC) at *6 (1985), and *Private Fuel Storage LLC* (Independent Spent Fuel Storage Installation), *LBP-98-10,* 47 NRC 288, 298-99 (1988).

[17] *See Alaska DOT* (Confirmatory Order), ASLBP-04-827-02-CO, 60 NRC 99 (2004) at 118, holding that a contention that seeks to litigate issues that fall outside the scope of the proceeding is inadmissible.

For the same reason, Petitioners cannot demonstrate that the issue raised in the first contention is "material to the findings that the NRC must make to support the action that is involved in the proceeding." 10 CFR § 2.309(f)(1)(iv). Petitioners do not even allege specific security deficiencies pertinent to the Fermi ISFSI attributable to the effects of the Order. Nor does the Petition provide either a "concise statement of the alleged facts or expert opinions supporting its position," as required by 10 CFR § 2.309(f)(1)(v).

Lastly, Petitioner has provided no information demonstrating that a genuine dispute exists on an issue of law or fact material to the finding that the Commission must make to support the actions involved in this proceeding, as required by 10 CFR § 2.309(f)(1)(vi), for Petitioners have identified no genuine dispute on any material issue or law or fact.

In short, Contention 1 does not address, much less meet, the requirements of 10 CFR § 2.309 and is inadmissible.

2. Quality Assurance Contention

Petitioners' second contention is a request for an independent quality assurance inspection to be performed on the Holtec dry cask storage/transport containers certified by the NRC[18] and planned for use at the Fermi ISFSI. Like their first contention, it seeks a generic review, but fails utterly to demonstrate the existence of any issue with respect to the issue in this proceeding, namely, the effect of the Order on the use of Holtec casks at the Fermi ISFSI.

This contention is inadmissible as the Petitioners fail to provide a specific statement of law or fact to be raised or controverted, as required by 10 CFR § 2.309(f)(1)(i). Despite its lengthy criticism of Holtec casks and of the NRC Staff's review of them, the Petition fails to

[18] *See* 10 CFR 72.214 (listing the Holtec casks as approved for storage of spent fuel under the conditions specified in their Certificates of Compliance).

identify any adverse effect at Fermi assertedly attributable to issuance of the Order, and thus fails to meet 10 CFR § 2.309(f)(1)(i).

Petitioners must also provide a brief explanation of the basis of the contention. 10 CFR § 2.309(f)(1)(ii). As Petitioners have failed to provide an identifiable, specific contention, it fails to specify a basis.

This contention also fails as beyond the scope of the proceeding. 10 CFR § 2.309(f)(1)(iii). This proceeding involves the imposition by the NRC of specific security measures. The proceeding is not a review of the rulemaking through which the Commission has already determined that the Holtec casks are appropriate and adequate for the storage of spent fuel. Petitioners can address their apparent displeasure with the NRC's approval of the Holtec casks through a request for rulemaking, but that is an issue that is well beyond the scope of this proceeding and is therefore inadmissible.[19]

Moreover, this contention is inadmissible as Petitioners have not demonstrated that the issue raised is material to the findings the NRC must make to support the issuance of the Order. 10 CFR §2.309(f)(1)(iv). Petitioners do not offer any suggestion of how the safety or adequacy of the dry casks will be impacted by the issuance of the Order, and thus as to how their concerns -- whatever they are -- affect the findings the Commission must make in this proceeding.

Similarly, Petitioners have failed to proffer the concise statement of alleged facts or expert opinions which support the contention required by 10 CFR §2.309(f)(1)(v).

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[19] *See e.g. See Alaska DOT* (Confirmatory Order), ASLBP-04-827-02-CO, 60 NRC 99 (2004) at 118, holding that a contention that seeks to litigate issues that fall outside the scope of the proceeding is inadmissible. *See also Bellotti, supra,* 725 F.2d 1380, at 1382-83.

Finally Petitioners have not averred, and for the reasons outlined above have failed to plead information sufficient to demonstrate, a genuine dispute about issues of material fact in this proceeding, as required by 10 CFR §2.309(f)(1)(vi).

In short, Contention 2 does not meet the standards of 10 CFR § 2.309(f)(1) with respect to the subject matter of this proceeding, namely, demonstrating in specific ways any allegedly adverse effect of the Order on the otherwise acceptable use of Holtec casks at the Fermi ISFSI. It is not admissible.

3. Civil Liberties Contention

Finally, Petitioners' third contention, which seeks an analysis of sociological impacts, including an analysis of the alleged potential infringement of civil liberties, and apparently preparation of a separate Fermi ISFSI Environmental Impact Statement ("EIS"), is inadmissible. Like Petitioners' other two contentions, it makes no attempt to assess the only pertinent issue in this proceeding: the effect of the Order on the otherwise applicable conditions of storage of spent fuel at the Fermi ISFSI. Rather, it apparently seeks a generic re-evaluation of ISFSI utilization in the light of alleged effects on civil liberties. This is a request in the nature of a request for rulemaking. It is not, as shown in more specificity immediately below, a contention admissible in this proceeding.

The third contention contains no specific statement of law or fact to be raised, as required by 10 CFR § 2.309(f)(1)(i). It makes no allegations specific to the Fermi ISFSI, much less to the effect of the Order. Petitioners' demand for an expanded EIS analysis is a policy statement that belongs, if anywhere, in a request for a rulemaking proceeding. It is not a basis for a contention.

The contention lacks the "brief explanation of … basis " required by 10 CFR § 2.309(f)(1)(ii), for the Petitioners have not included any specific statement as to their proffered contention. And the contention's lurid depiction of "nuclear priesthood" exercising "social

control" in a plutonium economy (Petition at 21) does not, by itself establish that such a hypothetical situation is within the scope of the proceeding, *i.e.*, related to the alleged effects of the Order. This contention is therefore clearly inadmissible.[20]

Similarly, Petitioners have not demonstrated that the issue raised is material to the findings the NRC must make to support the issuance of the Order, as they must pursuant to 10 CFR §2.309(f)(1)(iv). Nor does the contention contain a statement of "alleged facts or expert opinions which support" it, contrary to the requirement of 10 CFR § 2.309(f)(1)(v).

The net result is that the contention does not contain "sufficient information" to demonstrate a genuine dispute about a fact that is material to this proceeding, as required by 10 CFR § 2.309(f)(1)(vi). There is no attempt in the contention to show, and there is not sufficient information provided to infer, how Petitioners' generalized concerns about civil liberties in a hypothetical "plutonium economy" are related to the effects of imposition of the very specific security measures attached to the Order. Thus the contention fails to allege a genuine issue of material fact.

As Petitioners' contention contains neither a genuine dispute nor a material issue of fact or law related to the Order which is the subject of this proceeding, but merely unsubstantiated predictions of diminished civil liberties, it is not admissible.

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[20] *See e.g. See Alaska DOT* (Confirmatory Order), ASLBP-04-827-02-CO, 60 NRC 99 (2004) at 118, holding that a contention that seeks to litigate issues that fall outside the scope of the proceeding is inadmissible. *See also Bellotti, supra,* 725 F.2d 1380, at 1382-83.

IV. CONCLUSION

As has been shown above, the petition is untimely without either an adequate explanation of good cause or any attempt to address the other requirements for non-timely petitions. It raises issues solely beyond the scope of the proceeding, which is not permitted under *Bellotti* and the cases following it. Petitioners have demonstrated neither individual nor organizational standing. And none of their contentions meet the intentionally strict pleading requirements of the Commission's regulations. For these reasons, the Petition should be denied in entirety, both with respect to Beyond Nuclear and to the eight individual petitioners.

Respectfully submitted,

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Dated: June 1, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of

DETROIT EDISON COMPANY

(Fermi Nuclear Power Plant	)	
Independent Spent Fuel Storage	)	Docket No. 72-71-EA
Installation: Order Modifying	)	ASLBP No. 09-888-03-EA-BD01
License (Effective Immediately))	)	June 1, 2009
(EA-09-072)	)	

NOTICE OF APPEARANCE
ON BEHALF OF DETROIT EDISON COMPANY

Notice is hereby given that **DONALD P. IRWIN** hereby enters his appearance in the above-captioned matter as counsel for Detroit Edison Company. In accordance with 10 C.F.R. § 2.314(b), the following information is provided:

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Respectfully submitted,

Signed electronically by Donald P. Irwin
Donald P. Irwin

DATED: June 1, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2009 copies of (1) ANSWER OF THE DETROIT EDISON COMPANY TO PETITION TO INTERVENE AND REQUEST FOR HEARING FILED ON BEHALF OF BEYOND NUCLEAR AND EACH OF EIGHT INDIVIDUAL PETITIONERS and (2) Notice of Appearance of Donald P. Irwin were served by the Electronic Information Exchange on the following recipients:

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