

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

12/12/73

Before the Atomic Safety and Licensing Board

In the Matter of)

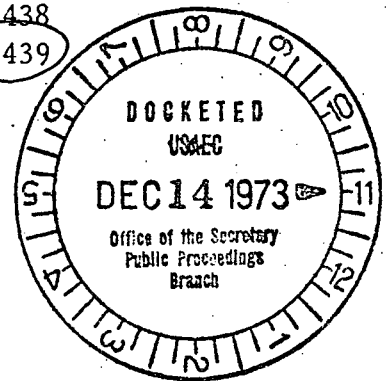
TENNESSEE VALLEY AUTHORITY)

(Belleville Nuclear Plant,
Units 1 and 2))

Docket Nos. 50-438

50-439

ANSWER OF AEC REGULATORY STAFF
TO PETITION FOR LEAVE TO INTERVENE
FILED BY WARD G. VAN ORMAN



On August 3, 1973, the United States Atomic Energy Commission (Commission) published a Notice of Hearing in the Federal Register regarding the application of the Tennessee Valley Authority, for a permit to construct the Belleville Nuclear Plant, Units 1 and 2 (38 F.R. 20932). Among other things, the Notice provided an opportunity for persons whose interest may be affected by construction of said plant to file petitions with the Commission for leave to intervene in the above-captioned proceeding. The Notice specified that such petitions must be filed within thirty days of the date of publication of the Notice in the Federal Register.

The Notice further provided that a petition for leave to intervene must, as required by 10 CFR § 2.714 of the Commission's "Rules of Practice," be

filed under oath or affirmation and accompanied by a supporting affidavit. The petition must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner, including the facts and reasons why said petitioner should be permitted to intervene, with reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest.

In addition, the Notice provided that, in accordance with 10 CFR § 2.714, any petition to intervene must be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. The notice indicated that persons not wishing to intervene or not qualified to intervene as parties might make a limited appearance to present an oral or written statement and raise questions to the extent that they are within the scope of the hearing.

Petitions for leave to intervene were filed by William E. Garner, et al., Daniel P. Hale and Lyle A. Taylor. At the first prehearing conference,

held on November 1, 1973, William E. Garner, et al. were recognized as a party and were given until December 3, 1973, to file an amended petition.

In an Order dated December 3, 1973, Daniel P. Hale and Lyle A. Taylor were given until January 2, 1974, to file amended petitions for leave to intervene.

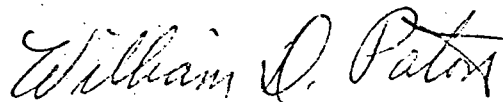
On November 9, 1973, the Board signed its "Order Relative to Prehearing Conference" which contained the following:

"Mr. Ward G. Van Orman appeared personally at the prehearing and requested information relative to petitioning to intervene. The Board determined that he would have until December 3, 1973 to file a petition but that he must establish good cause for the late filing in order for it to be considered."

A petition for leave to intervene, in the form of a letter dated November 29, 1973, from Mr. Ward G. Van Orman to the Chairman of the Board was docketed December 6, 1973. The petition fails to allege with any degree of specificity Mr. Van Orman's interest and how that interest may be affected by the results of the proceeding. Petitioner also fails to set forth any contentions including facts and reasons why he should be permitted to intervene with reference to: (1) the nature of his right under the Act to be made a party to the proceeding; (2) the nature and extent of his property, financial, or other interest in the proceeding; and (3) possible affect of any order which may be entered into the proceeding on his interest.

The staff notes that two other petitioners have been given until January 2, 1974, to mail their amended petitions for leave to intervene. It would appear that affording Mr. Van Orman the same opportunity would not delay this proceeding; therefore, the staff recommends to the Board that Mr. Van Orman be given the opportunity to amend his petition for leave to intervene to bring it into conformance with the requirements specified in 10 CFR § 2.714, and to require him to mail the amended petition not later than January 2, 1974.

Respectfully submitted,



William D. Paton
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 12th day of December, 1973.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Answer of AEC Regulatory Staff to Petition for Leave to Intervene Filed by Ward G. Van Orman," dated December 12, 1973, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 12th day of December, 1973:

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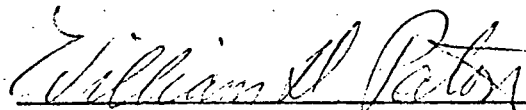
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Atomic Safety and Licensing
Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety and Licensing
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