Randy D. Robarge
8800 3rd Ave
Pleasant Prairie, WI 53158
AND
Edwin D. Dienethal
8354 47th Court
Kenosha, WI 53142

'99 OCT 29 P4:54

October 27, 1999

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations: Docket Nos. 50-295 and 50-304

To whom it may concern:

Pursuant to *10 C.F.R. 2.714* we, Randy D. Robarge and Edwin D. Dienethal, do hereby petition for leave to intervene in Commonwealth Edison Company's application to amend its Facility Operating License for Zion Station, Unit 1 and 2, Lake County, Illinois. Notice of the application was printed at *64 Fed. Reg. 53, 423 (October 1st, 1999).*

We have direct information concerning the threat to health and safety posed by Zion Nuclear Station including, but not limited to, intentional violations of safety-related procedures. See, e.g., testimony placed on public record in the matter of *Robarge v. Commonwealth Edison, 98-ERA-2*, hearing dates May 18-22, 1998.

The specific reasons for our petition are outlined below pursuant to the factors listed in *10 C.F.R. § 2.714(d)(1):*

(1) The nature of the petitioner's right under the Act to be made a party to the proceeding.

We have the right to make this petition as residents of Pleasant Prairie and Kenosha Wisconsin who reside within 50 miles of Zion Nuclear Station and for other reasons which will be stated in our amended petition.

(2) The nature of the petitioner's property, financial, or other interest in the proceeding.

The operations at Zion Nuclear Station directly impact the health and safety of our families, and ourselves as well as the health and safety of the community. Our financial interests in

20984

this proceeding stem from our ownership of both real property in close proximity to Zion Nuclear Station. These and other interests which will be stated in our amended petition constitute the nature and extent of our interests in this proceeding.

(3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest.

An order entered on the petitioner's interest will protect the health and safety of our family, our community and ourselves as we reside in close proximity to the plant. In addition, an order, which decreases the safety risk posed by Plant Zion, will serve to maintain the property value of our homes and the economic viability of the surrounding area. These and other effects which will be stated in our amended petition represent the possible effect of any order which may be entered in our interest.

We, therefore, petition for leave to intervene in each and every aspect of Commonwealth Edison's proposed amendments, including, but not limited to Commonwealth Edison's application to amend its operating license to modify security requirements, to eliminate certain equipment, to modify certain procedures and to reduce the number of armed responders.

We are in the process of locating council for representation in this matter and reserve the right to amend this petition at a later date.

Sincerely,

Randy D. Robarge

Edwin D. Dienethal

cc: Office of the General Counsel, U.S. NRC
David W. Jenkins, ESQ.
Robert E. Helfrich, ESQ.
Dino C. Scaletti

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[Notices]
[Page 53423]
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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Company; Zion **Nuclear** Power Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. **Nuclear** Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating **License** Nos. DPR-39 and DPR-48, issued to Commonwealth Edison Company (ComEd or the licensee) for the Zion **Nuclear** Power Station (ZNPS) Units 1 and 2, located in Lake County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed exemption would modify security requirements to eliminate certain equipment, to relocate certain equipment, to modify certain procedures, and reduce the number of armed responders, due to the permanently shutdown and defueled status of the Zion **Nuclear** Power Station.

The proposed action is in accordance with the licensee's application dated July 30, 1999. The requested action would grant an exemption from certain requirements of 10 CFR 73.55, ``Requirements for physical protection of licensed activities in **nuclear** power plant reactors against radiological sabotage.''

The Need for the Proposed Action

ZNPS was shut down permanently in February 1997. ComEd certified the permanent shutdown on February 13, 1998, and, on March 9, 1998, certified that all fuel had been removed from the reactor vessels. In accordance with 10 CFR 50.82(a)(2), upon docketing of the certifications, the facility operating **license** no longer authorizes ComEd to operate the reactor or to load fuel into the reactor vessel. In this permanently shutdown condition, the facility poses a reduced risk to public health and safety. Because of this reduced risk, certain requirements of 10 CFR 73.55 are no longer required. An exemption is required from portions of 10 CFR 73.55(a), (c)(6), (e)(1), (f)(4) and (h)(3) to allow the licensee to implement a revised defueled physical security plan (DPSP) that is appropriate for the permanently shutdown and defueled ZNPS.

Environmental Impact of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the granting of the exemption will not increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ``no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement for the Zion **Nuclear** Power Station, Units 1 and 2, dated December 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on September 22, 1999, the staff consulted with the Illinois State official, Mr. Gary Wright, of the Illinois Department of **Nuclear** Safety (IDNS) regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated July 30, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW, Washington, D.C., and at the local public document room located at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Dated at Rockville, Maryland, this 27th day of September 1999.

For the **Nuclear** Regulatory Commission.

Dino C. Scaletti,

Project Manager, Decommissioning Section, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of **Nuclear** Reactor Regulation.

[FR Doc. 99-25577 Filed 9-30-99; 8:45 am]

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