

10/30/78

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	Docket Nos. <u>50-237</u>
COMMONWEALTH EDISON COMPANY,)	50-249
et al.)	50-254
)	50-265
(Amendments to Facility)	
Operating License))	

COMMONWEALTH EDISON COMPANY'S
REQUEST FOR LEAVE TO FILE A RESPONSE

On September 20, 1978, Citizens for a Better Environment ("CBE") and Natural Resources Defense Council ("NRDC") filed a joint petition for leave to intervene in the above-captioned proceeding. On October 10, Commonwealth Edison Company ("Edison") filed an answer requesting that this petition be denied on the grounds that neither organization has identified "with particularity" their interest in the proceeding.

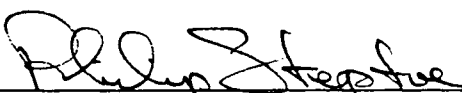
On October 10, 1978, NRDC filed a motion for leave to file a response to Edison's answer and to the NRC Staff's answer. This Board granted NRDC's motion on October 13, without giving Edison an opportunity to respond to the motion.

NRDC has filed a brief which argues from constitutional principles that organizations may show standing to participate in NRC proceedings merely by alleging that

they represent anonymous members who may be affected by the proposed action. The constitutional issues raised by NRDC were not addressed in Edison's answer. Further, NRDC's argument, if accepted, would result in a significant departure from the contemporary concepts of judicial standing which govern NRC licensing proceedings. See, e.g., Sierra Club v. Morton, 405 U.S. 727 (1973); Allied-General Nuclear Services (Barnwell Fuel Receiving and Storage Station), ALAB-328, 3 NRC 420 (1976).

Because the issues identified by NRDC in its brief are so important, Edison hereby requests permission to file a reply. Since NRDC's response was filed by mail, we request 15 days from October 23 until November 7, 1978.

Respectfully submitted,


Philip P. Steptoe, One of the
Attorneys for Commonwealth
Edison Company

October 30, 1978

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CERTIFICATE OF SERVICE

I, Philip P. Steptoe, hereby certify that copies of COMMONWEALTH EDISON COMPANY'S REQUEST FOR LEAVE TO FILE A RESPONSE in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 30th day of October, 1978:

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U.S. Nuclear Regulatory
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Washington, DC 20555
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