

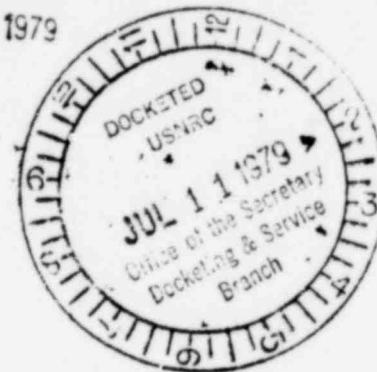


UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUL 9 1979

Docket No. 50-312

The Honorable Vic Fazio
United States House of
Representatives
Washington, D.C. 20515



Dear Congressman Fazio:

Thank you for your letter of June 13, 1979, forwarding your comments on the pleading which I recently filed on behalf of the NRC Staff with the Commission in connection with two petitions for a public hearing concerning the Rancho Seco nuclear power plant. As you may be aware, the Commission issued an order on June 21, 1979, directing the appointment of an Atomic Safety and Licensing Board "to determine whether the requesters meet the requisite personal interest test and to conduct any hearing which may be required." A copy of this Order is enclosed for your information.

In your letter you indicate your belief that the petitioners have standing to participate in any hearing on Rancho Seco, i.e., that they are "persons whose interests may be affected by the Order." Whether or not that is the case will now be determined by the Atomic Safety and Licensing Board which will be convened pursuant to the Commission Order specifically to consider that issue. I wish to emphasize, however, that the NRC staff pleading which is the subject of your comments did not assert that any of the petitioners lacked standing. Rather the pleading noted that the elements of standing had not yet been established by the various petitioners. The Staff suggested (and the Commission agreed) that they should be given the opportunity to make this showing.

Your interest in this matter is appreciated. If I can provide any further information, please do not hesitate to contact me.

Sincerely,

Guy H. Cunningham, III
Assistant Chief Hearing Counsel

Enclosure: As stated

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