

NRG PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of)
Commonwealth Edison Co.,) Docket Nos.
et al.) S50-599 and
) S50-600
(Carroll County Site))



APPLICANT'S ANSWERS TO
PETITIONS TO INTERVENE

Commonwealth Edison Company, ("Applicant") on behalf of itself and Interstate Power Company and Iowa-Illinois Gas & Electric Company by its attorneys hereby answers the Petitions to Intervene filed by the following parties in this matter:

PART I: Admission of Petitioners

1. The People of Illinois.

Applicant admits that the People of Illinois represented by the Attorney General of the State of Illinois are an appropriate party to be admitted to this proceeding and does not object to the granting of their Petition to Intervene.

2. The Attorney General of the State of Iowa.

Applicant admits that the State of Iowa, represented by Attorney General Thomas J. Miller, is an interested state within the meaning of 10 CFR §2.715(c) and does not object to the admission of the State of Iowa on that basis.

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The State of Iowa seeks to reserve the right to intervene as a party at some later time pursuant to 10 CFR §2.714. It is not clear to us why it would be necessary for the State of Iowa to intervene again as a party pursuant to 10 CFR §2.714, since under 10 CFR §2.715(c) an interested State is entitled to "take a position" and participate as a party with respect to particular issues. However, the law is clear that:

[W]here a participant under 10 CFR §2.715(c) elects to proceed in this fashion, it is then bound by advance notice and specificity as are other parties, so as to enable the Board and other parties to fairly prepare for and address such issues in the framework of an adjudicatory proceeding.
Gulf States Utilities Co. (River Bend Static, Units 1 & 2), LBP 76-32, 4 NRC 293, 299 (1976).
Accord, Gulf States Utilities Co. (River Bend Station, Units 1 & 2). ALAB 444, 6 NRC 760, 768 (1977).

With that limitation, Applicant has no objection to the State of Iowa taking a position and participating as a party with respect to particular issues in this proceeding.

3. Jo Daviess County Ad Hoc Committee on Nuclear Energy Information.

The petition of the Jo Daviess County Ad Hoc Committee on Nuclear Energy Information ("Jo Daviess") appears adequate to support intervention except that it does not affirmatively state that the signer, John W. Cox, Jr. is an attorney. The Commission's rules seem to contemplate that only attorneys may appear in a representative capacity.

Applicant does not object to the intervention of Jo Daviess in this proceeding. However, Applicant does reserve the right to insist that Jo Daviess retain legal counsel should it appear in the future that Jo Daviess' lack of a legal representative is a source of delay or disruption in this proceeding.

4. The Iowa Public Interest Research Group, Inc.,
the Catholic Worker of Dubuque, Iowa, the Dubuque Fellowship
of Reconciliation, the Environmental Coordinating Organization,
Inc. and the Carroll County Environmental Coalition.

Applicant believes this petition is adequate to support intervention in this proceeding except that it does not identify the lawyer who will represent these petitioners in their proceeding. 10 CFR §2.713(a). Applicant reserves the right to insist that a lawyer be retained by Iowa PIRG, et al should it appear in the future that lack of a legal representative is a source of delay or disruption in this proceeding.

5. The Iowa Socialist Party.

The petition of the Iowa Socialist Party is deficient in that it does not show that the signer, Jim Dubert, is a lawyer or that he is the authorized representative of the Iowa Socialist Party. Further, Applicant notes that the petition filed by Iowa PIRG, et al identifies Mr. Dubert as the chairperson of the local Iowa PIRG chapter at Iowa State University and one of the members upon whom the Iowa PIRG relies to establish standing. Moreover, the issues raised in the petition filed by the Iowa Socialist

Party seem to correspond in a general way to the contentions which are listed in the petition filed by the Iowa PIRG, et al. Accordingly, Applicant moves that the two petitions be consolidated pursuant to 10 CFR §2.714(e) to avoid duplicative and repetitive evidence and argument.

PART II: Need for Early Site Review

The State of Illinois has filed "Comments in Opposition to Early Site Review" in which it argues that an early site review in this matter would be untimely, challenging Applicant's estimates of future load growth and citing a recent two year delay in Applicant's in-service date for the Carroll County units (to 1990 and 1991). Additionally, the State of Illinois contends that site suitability should not be determined until all that may be learned from the Three Mile Island accident may be incorporated into the decision.

With respect to the first argument, Applicant's need for power only has relevance to these early site review proceedings insofar as it indicates whether it is likely that the demand for power will justify submitting the remainder of the construction permit for the generating capacity at some time during the validity of an early site review decision. 10 CFR §2.605(b) (2)(1). An early site review decision in this case probably could be rendered no earlier than summer, 1980 and would remain valid for five

years. CFR §2.606 (b) (2). Applicant estimates that it will take at least two years from the time the remainder of the construction permit is submitted until a construction permit is issued and then another five to six years to actually build and license the facility. Obviously the early site review decision rendered in 1980 or 1981 would not expire before a construction permit would need to be filed to maintain the present schedule.

With respect to the State of Illinois' argument that early site review should await the results of the investigation of Three Mile Island, the State of Illinois does not suggest any particular lessons which need to be learned which relate to the issues of site suitability involved in this proceeding. Mere conclusory, nonspecific references to unresolved questions bearing on safety do not justify total paralysis of all NRC licensing activities, without regard to what is actually being licensed. See Gulf States Utilities, (River Bend Station Units 1 and 2) ALAB - 444, 6 NRC 760, 776-778 (1977).

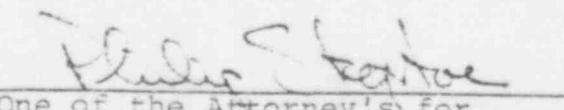
Petitioner Iowa PIRG, et al have filed a set of contentions which similarly include conclusory allegations to the effect that early site review is not appropriate in this case. The contentions state that Applicant has provided insufficient information on various subjects and therefore

the issues for which early site review is sought can not be satisfactorily resolved "apart from a full hearing on the permits for construction." (Contention 3). Since Petitioners' reasoning for this conclusion has not been set forth, their claims can only be viewed at this time as a challenge to the very concept of early site review. This, of course, contradicts a decision already made by the Commission and embodies in 10 CFR Subpart F to at least try the early site review procedure in an effort to expedite the nuclear licensing process. The conclusory assertions of Petitioners Iowa PIRG, et al. provide no basis at this juncture for delaying Applicant's request that early site review be commenced. If Petitioner Iowa PIRG, et al or other parties can develop through the discovery process substantiation for their claim that adequate information is not available for early site review decisions, they can renew their objections at a later time. 10 CFR §2.605(b).

Applicant requests that all counsel for Petitioners in this matter file appearances as required by 10 CFR §2.713(a), if they have not already done so. We would also appreciate it if those Petitioners who are not represented by counsel would supply us with the telephone numbers of their designated representatives, to facilitate communication among the parties.

Respectfully submitted,

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One of the Attorney's for
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
COMMONWEALTH EDISON COMPANY, et al.) Docket Nos. S50-599
) S50-600
(Carroll County Site))

CERTIFICATE OF SERVICE

I, Philip P. Steptoe, hereby certify that copies of "Applicant's Answers to Petitions to Intervene" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 18th day of June, 1979:

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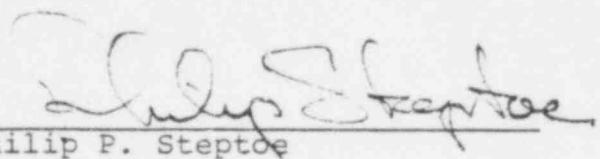
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