

UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
OHIO EDISON COMPANY, <u>et al.</u>	)	Docket Nos. STN 50-580
(Erie Nuclear Plant,	)	STN 50-581
Units 1 and 2)	)	

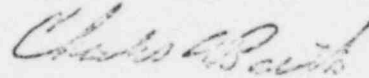
NRC STAFF SUPPORT OF APPLICANTS' MOTION TO DISMISS EVELYN STEBBINS  
 AND COALITION FOR SAFE ELECTRIC POWER AS PARTY INTERVENORS

Both the Applicants and Staff have served interrogatories upon Evelyn Stebbins and Coalition For Safe Electric Power relating to their contentions. No response to those interrogatories was ever received in spite of Licensing Board orders to the Intervenors to respond. By orders dated April 20, 1978 and January 22, 1979, the Licensing Board dismissed all of the contentions of those Intervenors for failure to comply with Board orders requiring responses to the interrogatories.

The Applicants have moved on February 16, 1979 to dismiss Evelyn Stebbins and Coalition for Safe Electric Power as parties to this proceeding. The Staff fully concurs with, and supports, the Applicants' Motion. The Commission's regulations and stare decisis, as set forth and discussed in Applicants' Motion of February 16, 1979, do not contemplate participation of a non-governmental party who has no contentions to be litigated at a hearing.

The NRC Staff recommends that the Applicants' Motion be granted.

Respectfully submitted,



Charles A. Barth  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 7th day of March, 1979

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In the Matter of

OHIO EDISON COMPANY, et al.

(Erie Nuclear Plant,  
 Units 1 and 2)

)  
 ) Docket Nos. ST# 50-500  
 ) ST# 50-501  
 )

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF SUPPORT OF APPLICANTS' MOTION TO DISMISS EVELYN STEBBINS AND COALITION FOR SAFE ELECTRIC POWER AS PARTY INTERVENORS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 7th day of March, 1979:

\*Elizabeth S. Bowers, Esq., Chairman  
 Atomic Safety and Licensing Board  
 U.S. Nuclear Regulatory Commission  
 Washington, D. C. 20555

Dr. Frederick P. Cowan  
 Apt. B-125  
 6152 N. Verde Trail  
 Boca Raton, Florida 33433

\*Mr. Frederick J. Shon  
 Atomic Safety and Licensing Board  
 U.S. Nuclear Regulatory Commission  
 Washington, D. C. 20555

Thomas A. Kayuha, Esq.  
 Ohio Edison Company  
 76 South Main Street  
 Akron, Ohio 44308

Jay Silberg, Esq.  
 Shaw, Pittman, Potts & Trowbridge  
 1800 M Street, N. W.  
 Washington, D. C. 20036

Mrs. Evelyn Stebbins  
 705 Elmwood Road  
 Rocky River, Ohio 44116

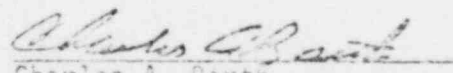
Mr. Robert W. Tufts  
 352 W. College Street  
 Oberlin, Ohio 44074

\*Atomic Safety and Licensing  
 Board Panel  
 U.S. Nuclear Regulatory Commission  
 Washington, D. C. 20555

\*Atomic Safety and Licensing  
 Appeal Board  
 U.S. Nuclear Regulatory Commission  
 Washington, D. C. 20555

\*Docketing and Service Section  
 Office of the Secretary  
 U.S. Nuclear Regulatory Commission  
 Washington, D. C. 20555

Mr. Richard E. Webb  
 2856 One Hundred Eleventh St.  
 Toledo, Ohio 43611

  
 Charles A. Barth  
 Counsel for NRC Staff