

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the matter of

SERVED MAR 12 1979

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY FOR AN  
OPERATING LICENSE FOR COMANCHE  
PEAK STEAM ELECTRIC STATION  
UNIT #1

Docket Nos. 50-445  
and 50-446

PETITION FOR LEAVE TO INTERVENE BY  
CASE (CITIZENS ASSOCIATION FOR SOUND ENERGY)

CASE (Citizens Association for Sound Energy), on its own behalf and on behalf of its members, hereby petitions the Nuclear Regulatory Commission (NRC) for leave to intervene in the above-captioned matter pursuant to Section 2.714 of the NRC's Rules of Practice.

IDENTIFICATION OF PETITIONER

The petitioner has been involved as a protestant in every licensing proceeding related to this plant of which petitioner was aware since application was filed for a construction permit for subject plant. Additionally, petitioner has made numerous presentations before the Dallas City Council regarding the plant and has participated either jointly as an Intervenor (in the 1975-76 hearings) or as a separate Intervenor (in the 1978 hearings) in all Dallas Power & Light rate hearings since the inception of the plant. Petitioner is also an Intervenor with separate Intervenor status in hearings currently going on in Austin in Re: Application of Texas Electric Service Company for Authority to Change Rates and Inquiry by Public Utility Commission of Texas into Certain Affiliated Transactions of Texas Electric Service Company, Texas Power & Light

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Company and Dallas Power & Light Company (Dockets 1903, 1517, 1789, 1813, 2018). In the above hearings, CASE has contributed pertinent direct testimony, cross-examination, and other evidence which exposed facts which would not otherwise have been brought out.

CASE is a non-profit Texas corporation, duly incorporated by the State of Texas on June 6, 1974. CASE President, Juanita Ellis, is one of the original incorporators. CASE has over 150 individual participating members and a mailing list in excess of 5,000. At least two of those members, Edward and Marilyn Stinson, live within 5 miles of the plant, with the remaining majority of those members residing in Dallas (approximately 60 miles from the plant), in Ft. Worth (approximately 35 miles from the plant) and in other locations in the Dallas/Ft. Worth metroplex area, the State and 4 other States. (See attached affidavits of Edward and Marilyn Stinson and Juanita Ellis.)

#### INTERESTS TO BE AFFECTED

CASE represents its members and members of the general public who are consumers and ratepayers who own property, both personal and real, and business interests which will be affected by the operation of the Comanche Peak plant either as to routine operation or via an accident involving said plant. Furthermore, in representing said members of CASE and the general public, the general health and safety are interests which will be affected by the routine operation or an accident concerning said plant. CASE alleges that the results of this proceeding will affect the above interests in property, livelihood, and health in that the issuance of the operating license will

adversely affect the said interests in the following particulars:

1. The routine operation of said plant will endanger the said property, business interests, health and lives of the said members and
2. The operation of said plant may result in an accident which will endanger the interests of the said members.

CASE should be permitted to intervene herein in that it will adequately represent the above property, livelihood, and health interests of its members as well as the members of the general public in the vicinity affected by the Comanche Peak plant. No other organization or person has, to this movant's knowledge, filed a motion to intervene which would represent these interests of this segment of affected persons, particularly with concern to the affected residents of Dallas. Such participation is necessary to assure broad and meaningful public participation and to ensure that full investigation is made into the application for this operating license. CASE submits that it should be allowed to intervene herein because an order allowing the applicant to possess, use and operate the Comanche Peak nuclear power plant will adversely affect the property, business interests, health and lives of its members and the members of the general public.

CASE maintains that it should not be consolidated with any other party moving for intervention herein in that to do so would unduly prejudice its right to intervene. Said rights would be prejudiced in that CASE does not represent substantially the same interests that are represented by other potential intervenors and further, that to consolidate CASE with any intervenor from Ft. Worth would cause undue expense and inconvenience to CASE by increasing the burden of copy expenses, travel expense, time consumed, and long-distance telephoning.

Additionally, CASE maintains that to grant it separate intervenor status would impose no undue burden on any other parties in the proceedings. If the Commission rules that a hearing shall be had on this Motion to Intervene, then CASE maintains that said hearing, in addition to the Pre-hearing Conference, should be held in either Glen Rose or the Dallas/Ft. Worth metroplex area, as all parties concerned in this matter are domiciled in said locale.

WHEREFORE, PREMISES CONSIDERED, CASE prays that this motion to intervene be granted in all particulars, and for any other relief to which CASE may show itself to be entitled.

Respectfully submitted,

*Juanita Ellis*  
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(Mrs.) Juanita Ellis, President  
CASE (CITIZENS ASSOCIATION FOR SOUND  
ENERGY)  
1426 S. Polk  
Dallas, Texas 75224

February 28, 1979

I hereby certify that a copy of this Motion to Intervene has been sent this date, February 28, 1979, by First Class Mail, to the following:

\* Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555  
Attn: Docketing and Service Branch

Executive Legal Director  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Nicholas S. Reynolds, Esq.  
Debevoise & Liberman  
1200 17th St., N.W.  
Washington, D. C. 20036

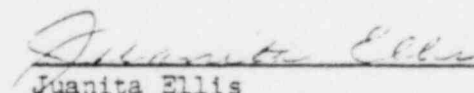
\*Certified, Return Receipt Requested

*Juanita Ellis*  
\_\_\_\_\_  
(Mrs.) Juanita Ellis

AFFIDAVIT OF JUANITA ELLIS

I, Juanita Ellis, being duly sworn on oath, state the following:


1. That I am a resident of the city of Dallas, Dallas County, Texas, and that my mailing address is 1426 S. Polk, Dallas, Texas 75224;
2. That I am President of CASE (Citizens Association for Sound Energy);
3. That I have consulted with the Board of Directors of CASE, and that they have authorized me to sign this affidavit and to sign a petition to intervene on behalf of the membership of CASE. That they have further authorized me to represent CASE in the Operating License Hearings before the Nuclear Regulatory Commission for the Comanche Peak Nuclear Power Plant, Unit 1. That they have further authorized me to name, at my discretion, any other individual or individuals to represent CASE in said hearings;
4. That the representations in the petition to intervene regarding the membership and the interest to be affected are true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Juanita Ellis  
President, CASE (Citizens Association  
for Sound Energy)

City of Dallas  
Dallas County  
State of Texas

Subscribed and sworn to before me this 20th day of January, 1979.

(official seal)

  
\_\_\_\_\_  
Notary Public - Commission expires: \_\_\_\_\_

AFFIDAVIT OF MARILYN AND EDWARD STINSON

We, Marilyn and Edward Stinson, being duly sworn on oath, state the following:

1. That we are residents of the municipality of Glen Rose, Somervell County, Texas, and that our mailing address is Route 1, Glen Rose, Texas 76043;
2. That our home and property are located at the above location, which is within five (5) miles of the Comanche Peak nuclear power plant;
3. That we are in support of the contentions in the Petition for Leave to Intervene by CASE (Citizens Association for Sound Energy) in Docket Nos. 50-445 and 50-446, Application of Texas Utilities Generating Company for an Operating License for Comanche Peak Steam Electric Station Unit #1; that we are in support of such contentions by CASE in an effort to assure our health, safety, and the presentation of no danger to our real property.
4. That we herewith authorize CASE or its representatives in the hearings to represent our interests in said hearings.
5. That we are members of CASE.

Marilyn Stinson  
Marilyn Stinson

Edward Stinson  
Edward Stinson

City of Glen Rose  
Somervell County  
State of Texas

Subscribed and sworn to before me this 24<sup>th</sup> day of January, 1979.

Edward Stinson  
Notary Public

My Commission expires June 1981

(official seal)