

NRC PUBLIC DOCUMENT ROOM



DOCKET NUMBERS 50-445 AND 50-446

RE: APPLICATION OF TEXAS
UTILITIES GENERATING COMPANY
FOR AN OPERATING LICENSE
FOR COMANCHE PEAK STEAM
ELECTRIC STATION UNITS 1 AND 2

BEFORE THE
NUCLEAR REGULATORY COMMISSION
OF THE UNITED STATES
OF AMERICA

SERVED MAR 12 1979

PETITION FOR LEAVE TO INTERVENE BY
CITIZENS FOR FAIR UTILITY REGULATION (CFUR)

NOW COMES Citizens for Fair Utility Regulation (CFUR) and files this its Petition for Leave to Intervene in the above-captioned matter, pursuant to Nuclear Regulatory Commission Rules of Practice Section 2.714, and in support of its Petition would respectfully show the following:

I

IDENTIFICATION OF PETITIONER

CFUR is an organization of citizens of Tarrant County, Texas, who, and many of whose families, reside and either work or attend school in Tarrant County, which is approximately thirty-five miles northeast of Comanche Peak Steam Electric Station. Therefore, CFUR and its members have a direct and proper interest in the safe operation of Comanche Peak Steam Electric Station and in any regulatory proceeding concerning Texas Utilities Generating Company's application for an operating license for Comanche Peak Steam Electric Station.

The members of CFUR also are all residential customers of Texas Electric Service Company, an affiliate of Texas Utilities Generating Company, which plans to deliver and bill customers for power generated by Comanche Peak Steam Electric Station. Therefore, CFUR and its members have a direct and proper interest in any costs incurred by Texas Utilities Generating Company as a result of construction, regulation and operation of Comanche Peak Steam Electric Station which would optimize the safe operation thereof.

CFUR has been a participant, either as a public participant or as Intervenor, in electric utility and gas utility rate cases affecting residential consumers in Tarrant County since January, 1976. CFUR is currently an Intervenor in hearings in Austin, Texas, before the Public Utility Commission of Texas 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 Company and Dallas Power & Light Company (Docket No. 1903, also Docket Numbers 1517, 1789, 1813 and 2018). CFUR was also an Intervenor in the original Application of Texas Electric Service Company for Authority to Change Rates (original Docket 1903) in 1978 before the Public Utility Commission of Texas.

As such participant and/or Intervenor, CFUR's interest in such regulatory proceedings has been from the standpoint of the residential consumer with an environmental awareness.

CFUR has thus demonstrated an ongoing, responsible participation in regulatory proceedings over a period of three years.

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CFUR is financed completely and voluntarily out of the pockets of its members, and has never solicited contributions from anyone. Contributions from members have always been completely channeled into CFUR's participation in a particular regulatory proceeding. No member of CFUR has ever received remuneration or consideration of value for such participation, nor has CFUR received such. Therefore, it can be seen that CFUR is in a strict sense a local, citizens organization which has participated in government regulation responsibly.

II

INTERESTS TO BE AFFECTED

WHEREAS CFUR's members reside, go about their daily lives, own property, personal and/or real, and in some cases earn their livelihoods, in an area about thirty-five miles from Comanche Peak Steam Electric Station, and pay electric rates affected by all costs associated with construction, regulation and operation of Comanche Peak Steam Electric Station, and

WHEREAS the health, safety and value of property and livelihood of the general public in Tarrant County may be affected by either routine operation of Comanche Peak Steam Electric Station or by any accident involving release of radioactive elements, and

WHEREAS the above-captioned proceedings are designed to ensure that Comanche Peak Steam Electric Station will operate with maximum conditions of safety for the general public,

THEREFORE, it can be seen that CFUR and its members have a direct and proper interest in these same above-captioned regulatory proceedings, and should be permitted Intervenor status by the Nuclear Regulatory Commission.

FURTHERMORE, the participation of CFUR is necessary to assure the broad public participation in such proceedings which is intended by the Rules of the Nuclear Regulatory Commission and by the public announcements of the Nuclear Regulatory Commission, as well as by its mandate from the United States Congress.

WHEREFORE, ALL PREMISES CONSIDERED, CFUR prays that this its Petition for Leave to Intervene be granted.

III

REQUEST FOR LOCAL HEARING SITE

CFUR respectfully requests that any and all Prehearing Conferences and Hearings in the above-captioned proceeding be located in or around the Nuclear Regulatory Commission Regional Office in Arlington, Texas, for the following reasons:

1. There is a Nuclear Regulatory Commission Regional Office located in Arlington, Texas for obvious good reason.
2. There is a massive population area located around that office, in the Dallas-Fort Worth metroplex, which will be affected by the operation of Comanche Peak Steam Electric Station.
3. It would work a hardship and jeopardize the right of CFUR and possibly other parties to intervene and to participate fully in the above-captioned proceeding if Prehearing Conferences and Hearings were held in Washington or another locale which would be

a long distance from the major population center close to Comanche Peak Steam Electric Station.

4. It would affect adversely any other public participation and thus jeopardize the rights of the general public to participate in the proceeding to fail to hold the Hearings in the major population center close to Comanche Peak Steam Electric Station.

5. To hold the Hearings in the major population center would present an opportunity for education of the public which is otherwise lost.

WHEREFORE, PREMISES CONSIDERED, CFUR prays that its request be granted and that all Prehearing Conferences and Hearings in the above-captioned proceeding be scheduled in or around Arlington, Texas.

Respectfully submitted,

Nancy Holdam Jacobson
Nancy Holdam Jacobson
CFUR
1400 Hemphill
Fort Worth, TX 76104
(817) 923-6431

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this CFUR's Petition for Leave to Intervene was mailed on this the 7th day of March, 1979 by United States Mail, postage prepaid, to the following:

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

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

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

Nancy Holdam Jacobson
Nancy Holdam Jacobson

THE STATE OF TEXAS
COUNTY OF TARRANT

BEFORE THE UNDERSIGNED AUTHORITY on this day personally appeared NANCY HOLDAM JACOBSON, who, having been placed under oath by me, did depose as follows:

"(1) My name is Nancy Holdam Jacobson. I am of legal age and a resident of Forest Hill, in Tarrant County, Texas. My mailing address is 6954 Cobblestone Court, Fort Worth, Texas 76140. At that same address I co-own, with my husband Donald J. Jacobson, real property, consisting of land and personal residence.

(2) I was one of the founding seven members of Citizens for Fair Utility Regulation (CFUR) and am presently Coordinator, having been such since May, 1976. I have consulted with the members of CFUR and they have authorized me to represent them in filing this Petition for Leave to Intervene in Re: Application of Texas Utilities Generating Company for an Operating License for Comanche Peak Steam Electric Station Units 1 and 2.

(3) I have reviewed the representations contained in the attached Petition for Leave to Intervene, specifically regarding Identification of Petitioner and Interests to be Affected, and such representations are true and accurate to the best of my knowledge."

Nancy Holdam Jacobson
Nancy Holdam Jacobson

SUBSCRIBED AND SWORN TO BEFORE ME by the said Nancy Holdam Jacobson on this 3rd day of March, 1979.

Leon S. Seals

Notary Public in and for Tarrant
County, Texas

My Commission expires
Mar 31, 1981