

The pertinent considerations as to whether to grant intervention under the circumstances here presented are set forth in 10 CFR § 2.714. In considering whether to grant intervention as a matter of right, the rules instruct the Board in § 2.714(d) to consider the following:

- (1) The nature of the petitioner's right under the Act to be made a party to the proceeding.
- (2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.
- (3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest.

Petitioner's single contention is as follows:

The "Too Close" Location of G.E. to existing nuclear plants (Dresden I, Dresden II, Dresden III, Dresden spent fuel storage facility), Proposed nuclear plants (Braidwood and LaSalle), The underground dangers (natural gas pipelines, oil pipe lines, coal mines and gas in the mines), and the Barge traffic of the Illinois River.

This is followed by two and one-half pages of bases.

The contention as set forth above is so broad and vague that it does not establish an issue or issues which are litigable in this proceeding. A number of documents already on file take account of the fact that the GE Morris facility is located directly north of the Dresden Nuclear Power Station. So far as the underground pipes, mines and river traffic is concerned, this is so

vague and speculative that it does not give rise to any litigable issue.

Nor do the "bases" set forth in the petition do anything to clarify or add any specificity to the contention.

Consequently, petitioner's request for intervention as a matter of right is denied.

10 CFR § 2.714(a)(1) sets forth the factors to be considered in ruling upon a non-timely petition for intervention. These are:

- (i) Good cause, if any, for failure to file on time.
- (ii) The availability of other means whereby the petitioner's interest will be protected.
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (iv) The extent to which the petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

As shown above, the petitioner cannot reasonably be expected to assist in any substantial way to the development of a sound record. Petitioner indicates no property, financial or other interest in the proceeding, other than living near GE Morris. Therefore, whatever order may be entered in this proceeding can have no discernible effect on the petitioner's interest.

The Board has already allowed a contention by the intervenors, State of Illinois and Rorem, et al., which will explore the effects of the proximity of GE Morris to the Dresden plants, which apparently is petitioner's principal concern. Consequently, petitioner's interest will be protected by existing parties. In addition, to permit intervention at this time based upon a vague and speculative contention could only serve to disrupt and delay the proceeding.

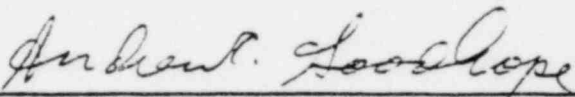
The petitioner's excuse for this lateness is that she was confused about the NRC procedures. This is undoubtedly true, but even if her petition had been timely, it would have been rejected for failure to submit a proper contention. As pointed out above, her interest will be protected by means of the contention of the State of Illinois and Rorem, et al. accepted by this Board, and her interest will be represented by the Illinois Attorney General's office.

In addition, the Board cannot grant intervention as a matter of its discretion. In Portland General Electric Company, et al. (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610 (1976), the Commission at page 616 set forth and discussed the appropriate considerations weighing in favor of and against granting discretionary intervention. The only consideration which the Board feels would justify discretionary intervention is the fact that

petitioner lives quite close to GE Morris. This is not sufficient reason to grant the petition.

THEREFORE, IT IS ORDERED that the petition to intervene filed by Elaine Walsh is denied.

THE ATOMIC SAFETY AND
LICENSING BOARD


Andrew C. Goodhope, Chairman

Bethesda, Maryland

June 4, 1980