

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

11/18/80

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ILLINOIS POWER COMPANY, et al.

(Clinton Power Station, Units 1 and 2)

Docket Nos. 50-461
50-462

NRC STAFF ANSWER TO PETITION FOR
LEAVE TO INTERVENE AND REQUEST
FOR HEARING OF PRAIRIE ALLIANCE

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On September 29, 1980, the Nuclear Regulatory Commission (Commission) published in the Federal Register (45 Fed. Reg. 64307) a notice of opportunity for hearing in connection with issuance of operating licenses in the captioned matter. The notice provided that any person whose interest may be affected might file a petition for leave to intervene no later than October 29, 1980.

A timely petition for leave to intervene and request for a hearing signed by four persons, Jean Fay, Joanne Schwart, Allen Samelson, and Caroline Mueller, acting on their own and on behalf of the Prairie Alliance, was received by the Staff.

For the reasons set forth below, the NRC Staff believes that the petitioners have demonstrated standing within the purview of 10 C.F.R. § 2.714 and agency decisions.

To establish standing, the provisions of 10 C.F.R. § 2.714(a)(2) require that a petitioner to an NRC proceeding shall:

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1. Set forth with particularity the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene; and
2. Identify the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene.

These petitioners allege that most of the Prairie Alliance's members live, work and own property within 35 miles of the Clinton Power Station. Two of the members of the Prairie Alliance, Stanley Elsasser and Rebecca Elsasser, are said to reside approximately six miles west of the Clinton Power Stations and that their health, ownership of property, work and life style will be affected by the licensing of the Clinton Power Stations. The four signers of the petition reside within 35 miles of the Clinton Power Station. In the Staff's view, the residing places of some of the members of petitioners' organization are within the geographical zone that might be affected by normal (or accidental) release of fission products.^{1/}

Standing to intervene may be based upon residence in the vicinity of the nuclear plant.^{2/} Therefore, the individual petitioners have satisfied the "interest" requirements of 10 C.F.R. § 2.714.

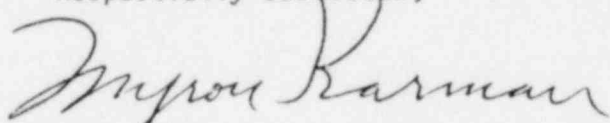
^{1/} See Appendix I to 10 C.F.R. Part 50.

^{2/} Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2) ALAB-146, 6 AEC 631 (1973).

The petitioners identify a number of contentions which may not ultimately prove admissible at the prehearing conference to rule on contentions, but which the Staff believe sufficiently identify areas of intervenor interest to meet the aspect requirement of 10 C.F.R. § 2.714.

For the reasons stated above, the Board should find that petitioners have satisfied the requirements of 10 C.F.R. § 2.714 with respect to standing. Since petitioners may submit their contentions with the required specificity of 10 C.F.R. § 2.714(b) at any time up to 15 days prior to the holding of the first prehearing conference, it is premature for the Board to rule now on the adequacy of the petition as a whole to satisfy the regulations.

Respectfully submitted,

A handwritten signature in cursive script, reading "Myron Karman".

Myron Karman
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 18th day of November, 1980