

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. 50-254-SP
(Quad Cities Station, Units 1)	50-265-SP
and 2))	(Spent Fuel Pool Modification)

NRC STAFF ANSWER TO PETITIONS TO INTERVENE OF CITIZENS
FOR SAFE ENERGY, QUAD-CITY ALLIANCE FOR SAFE ENERGY
AND SURVIVAL, AND OLDER AMERICANS FOR ELDERLY RIGHTS

On April 30, 1981, the Nuclear Regulatory Commission (Commission) published in the Federal Register (46 Fed. Reg. 24336) a notice of opportunity for hearing in connection with issuance of amendments to operating licenses in the captioned matter. The notice provided that any person whose interest might be affected might file a petition for leave to intervene no later than June 1, 1981.

Timely petitions were received from Citizens for Safe Energy (CSE) (dated May 28, 1981), Quad-City Alliance for Safe Energy and Survival (Alliance) (dated May 28, 1981), and Older Americans for Elderly Rights (OAER) (dated May 29, 1981). For the reasons set forth below, the NRC Staff believes that each of the petitioners has 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:

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.

Petitioner CSE indicates membership of 210 persons who "reside in the area around the Quad-Cities Generating Station," without further specificity. However, CSE's secretary, who signed the petition, lives in Hillsdale, Illinois, approximately nine miles from the facility.

Petitioner Alliance does not indicate the size of its membership nor the location where such members reside. However, Mr. Robert Romic, who filed Alliance's petition, lives in Bettendorf, Iowa, approximately seventeen miles from the facility. ^{1/}

Petitioner OASE indicates membership of 341 persons, most of whom live within a 25-mile radius from the facility.

In the Staff's view, the residing places of one or more of the members of each petitioners' organization are within the geographical zone that might be affected by normal (or accidental) release of fission products. ^{2/}

An Atomic Safety and Licensing Appeal Board has held that residence in close proximity to the facility is an interest sufficient to

^{1/} Alliance's petition was not signed by Mr. Romic, who evinced his intention to intervene in a letter to the Commission dated March 17, 1981, prior to the noticing of the proposed amendments. 10 C.F.R. §2.708(c), stating that an unsigned document may be stricken, is not relied upon by the Staff as a basis for objection to Alliance's petition.

^{2/} See Appendix I to 10 C.F.R. Part 50.

meet the §2.714 interest requirement. ^{3/} Though no firm outer boundary for this geographic "zone of interest" has been determined, distances of up to 50 miles have been accepted by the Appeal Board as conferring standing upon particular petitioners. ^{4/}

In the instant proceeding, the place of residence of at least one member of each petitioner provides the geographical nexus required for standing to intervene provided that each petitioner properly identifies with reasonable specificity what aspect(s) of the proposed modification of Quad Cities Station will, or could, adversely affect him and provides a basis for such assertion. ^{5/}

Petitioner CSE indicates that its members live, work and own property in the vicinity of the facility, and that the storage of additional spent fuel may present a hazard to public health and safety, possibly through leakage from the spent fuel pool, which is one of petitioner's concerns.

Petitioner Alliance does not indicate with specificity the nature of its members' interests which will be affected by the proposed modification. However, a fair reading of the petition reveals a

^{3/} Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-522, 9 NRC 54, 56 (1979).

^{4/} See, e.g., Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1421 n. 4 (1977). Cf. Virginia Electric & Power Company (North Anna Power Station, Units 1 and 2), ALAB-146, 6 AEC 631, 633-34 (1973); Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2), ALAB-107, 6 AEC 188, 190, 193, reconsid. den., ALAB-110, 6 AEC 247, aff'd, CLI-73-12, 6 AEC 241 (1973).

^{5/} Houston Lighting and Power Company (Allens Creek Nuclear Power Generating Station, Unit 1), ALAB-535, 9 NRC 377, 393 (1979).

concern with increased radiation releases and their effect upon public health and safety in the Quad Cities area of Illinois and Iowa. In the Staff's opinion, such statement of an interest which may be harmed by the proposed action, though scant, is adequate support for petitioner's request to intervene. ^{6/}

Petitioner OASE indicates that most of its 341 members live within a 25-mile radius of the Quad Cities Station, and that many of its members have property investments within this area. It alleges that increased spent fuel storage at the station would drastically increase the health hazard in the area (and thus to its membership) from low-level radiation releases.

Finally, each of the petitioners identifies at least one contention, or topic of its concern, which may not ultimately prove admissible at the prehearing conference to rule on contentions, but which the Staff believes sufficiently identifies an area of intervenor interest to meet the aspect requirement of 10 C.F.R. §2.714. ^{7/}

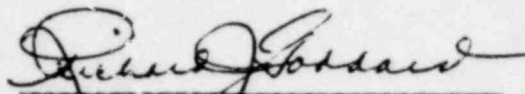
For the reasons stated above, the Board should find that each of the petitioners has satisfied the requirements of 10 C.F.R. §2.714 with respect to standing. Since petitioners may submit their contentions with the required specificity of 10 C.F.R. §2.714(b) at any time up to 15 days

^{6/} The Staff notes (1) that Petitioner Alliance, to date, is not represented by counsel, and (2) that this bare-bones allegation of an interest could be further perfected by subsequent amendment of the existing petition. 10 C.F.R. §2.714(a)(3).

^{7/} E.g., Petitioner CSE (occupational exposure during reracking); Petitioner Alliance (loss of fuel rod integrity during extended storage); Petitioner OASE (increased risk from seismic event).

prior to the holding of the first prehearing conference, it is premature for the Board to rule now on the adequacy of each petition, as a whole, to satisfy the regulations. 8/

Respectfully submitted,



Richard J. Goddard
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 15th day of June, 1981.

8/ The Staff received a letter from a Ms. Sarah Phender of Davenport, Iowa (dated May 20, 1981) requesting a public hearing. As such letter did not in any manner comply with the requirements of 10 C.F.R. §2.714, it is not discussed herein. Ms. Phender will be furnished a copy of 10 C.F.R. Part 2 and the procedures for intervention will be explained to her by letter.

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) (Spent Fuel Pool Modification)

CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF ANSWER TO PETITIONS TO INTERVENE OF CITIZENS FOR SAFE ENERGY, QUAD-CITY ALLIANCE FOR SAFE ENERGY AND SURVIVAL, AND OLDER AMERICANS FOR ELDERLY RIGHTS 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 15th day of June, 1981.

James L. Kelley, Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555 *

Quad-City Alliance for Safe
Energy and Survival
Mr. Robert Romic
1628 Grant St.
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Dr. Peter A. Morris
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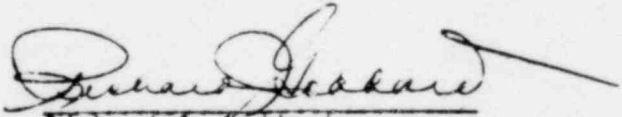
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