

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
COMMONWEALTH EDISON COMPANY  
(Byron Station, Units 1 and 2)

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)  
)

Docket Nos. 50-454  
50-455

AFFIDAVIT OF DARREL A. NASH REGARDING DAARE/SAFE  
PETITION FOR WAIVER OR EXCEPTION TO 10 CFR  
§§ 51.23(e) AND 51.53(c)

I, Darrel A. Nash, being duly sworn state as follows:

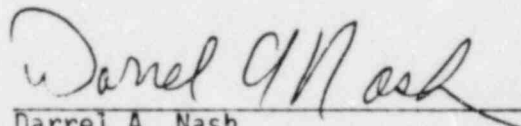
1. I am employed by the U.S. Nuclear Regulatory Commission as a Section Leader in the Office of State Programs. A copy of my professional qualifications is attached.
2. I have reviewed the petition of DAARE/SAFE for waiver or exception to 10 CFR 51.23(e) and 51.53(c).
3. I prepared an affidavit for this proceeding on the same subject in response to the petition of the Rockford League of Women Voters.
4. The DAARE/SAFE petition states that it is largely based upon the petition of the Rockford League of Women Voters. My findings regarding the League petition is that there is no basis presented in the petition or the accompanying exhibits for an exemption or waiver of the regulations. Therefore, where reliance is placed by DAARE/SAFE on the League petition, there is no basis for exemption or waiver.

5. I have reviewed the portion of the Final Environmental Statement (FES) for the Byron operating license relating to need for power and alternative energy sources (pp. 2-1 to 3-1) and find that it is adequate to meet the Commission's regulations.
6. Contrary to the assertion in the DAARE/SAFE petition, the need for the Byron station as stated in the FES is not based on the need to preserve adequate reserve margins, but is based on other factors, including primarily that of cost savings from operation of these units. This basis is fully consistent with the subject regulations.
7. Since the staff's basis for the approval of the Byron Station was not to provide for improved reserve margins, there was no need to investigate the simple proposition of the availability of purchased power in the two years of projected reserve margin shortfall.
8. The FES demonstrates that there is a savings in operating both Byron units (page 2-2, Table 2.1). There is therefore no need to investigate operation of only one unit which would result in lower savings.
9. The petition references League petition Exhibit FQE at 12-13 for the argument that CE is contractually obligated to purchase large amounts of coal regardless of whether Byron is operated. This argument in the cited reference begins with three postulates, none of which are pursued, and concludes that, "CWE's coal stockpile would reach an incredible 40 million tons by 1991." This does not provide the prima facie evidence needed for an exemption to the

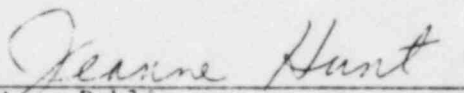
regulations. Furthermore, as stated in my previous affidavit, paragraph 13, this Exhibit is directed to a broader issue than Byron and it is impossible to derive conclusions from it specifically for Byron. The study expresses considerable uncertainty as to the course of action which would be economically superior.

10. There is uniformly no basis in the DAARE/SAFE petition for justifying an exception to the requirements of 10 CFR §§ 51.23(e) or 51.53(c) in this proceeding.

The foregoing and the accompanying statement of my professional qualifications are true and correct to the best of my knowledge.

  
Darrel A. Nash

Subscribed and sworn to before  
me this 13<sup>th</sup> day of August, 1982.

  
Notary Public

My Commission expires: 7/1/86

## STATEMENT OF QUALIFICATIONS OF DARREL A. NASH

I am employed as a Section Leader, Licensee Relations, Office of State Programs, located in Bethesda, Maryland. My educational and professional qualifications are set forth below.

### Education

- B.S. Agricultural Economics - Colorado State University 1958
- M.S. Agricultural Economics - Montana State University 1960
- Ph.D. Agricultural Economics - University of Illinois 1964

In addition, I have taken advanced courses in econometrics. My formal educational program has encompassed, and emphasized, studies in micro-economics, mathematics, and statistics as they relate to land and water resources and agricultural production.

### Experience

I joined the Regulatory Staff of the Atomic Energy Commission in August 1973, being assigned to the Cost-Benefit Analysis Branch. As a Senior Analyst, I was responsible for reviewing and analyzing environmental reports and preparing cost-benefit portions of environmental statements. I was responsible for developing criteria for analysis of alternative sites, alternative fuels and alternative cooling systems to be used in environmental statements. In addition, I conducted generic economic research on topics related to environmental impacts of nuclear power plants.

I have been a Section Leader since 1975, responsible for supervising and conducting the activities above. In April 1980, as a result of reorganization, I was given additional areas of management and supervision. These are need for power and system reliability, financial qualifications of applicants and indemnification under provisions of the Price-Anderson Act. In March 1981, as a result of minor changes in organization, I was transferred to my present position with responsibilities similar to those previously held.

From April 1965 to August 1973, I was with the National Oceanic and Atmospheric Administration in the U.S. Department of Commerce and its predecessor agencies. During the course of this employment I was responsible for (1) research and research supervision in fishery marketing, including consumer and marketing studies culminated in a study making long-range projections of the demand and supply of fishery products on a worldwide basis, and (2) fishery management wherein social, economic, and biological studies were conducted to determine needed institutional changes to better allocate the utilization of fishery resources.

Also, under loan to the U.S. Agency for International Development (AID), I traveled to eight countries to evaluate potential for producing and distributing fish protein concentrate within these countries.

During 1964 and 1965, I was employed as a resource economist by the Bureau of Land Management in the U.S. Department of Interior and developed models for

determining optimum multiple use of public lands for such activities as grazing, watershed management, recreation, and forestry. My duties there emphasized development and analysis of the economic consequences of different land uses.

From 1969 to 1973, I had an appointment as Visiting Assistant Professor in the Agricultural and Resource Economics Department at the University of Maryland and have taught graduate courses in Industrial Organization and Economics of Marketing in that Department.

I have authored or coauthored about 20 publications -- more important areas being cost analysis of energy alternatives and fishery demand and resource utilization.

Numerous unpublished papers have also been written on these and related areas such as cost-benefit analysis of public land use and analyses of financial assistance programs for marine fishing vessels.