

10/10/78

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
COMMONWEALTH EDISON COMPANY )  
(Dresden Station, Units 2 and 3, and )  
Quad Cities Station, Units 1 and 2 )

Docket Nos. 50-237  
50-249  
50-254  
50-265



NRC STAFF ANSWER TO THE COUNCIL FOR  
CITIZENS FOR BETTER ENVIRONMENT AND NATURAL  
RESOURCES DEFENSE COUNCIL'S PETITION FOR LEAVE TO INTERVENE

On August 22, 1978, the Nuclear Regulatory Commission (NRC) filed a "Notice of Proposed Issuance of Amendments to Facility Operating Licenses." 43 Fed. Reg. 37245. That notice provided, inter alia, that persons whose interests could be affected by the outcome of Commonwealth Edison's (Applicant's) proposal to store spent fuel from either station in the spent fuel pool of any of the four specified units may file a Petition to Intervene by September 21, 1978. On September 21, 1978, the Council for Citizens for Better Environment (CBE) and the Natural Resources Defense Council (NRDC) timely filed a joint petition to intervene in the proceeding.

Standing

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

1. Set forth 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

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2. Identify the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene.

Where the Petitioner is an organization rather than an individual, the petitioner must identify at least one of its individual members who wishes to be represented by the petitioner. Also, the petitioner must assert specifically, rather than generally, how that individual member's interest may be affected by the proceeding.<sup>1/</sup>

NRDC alleges, among other things, that "members live within 20 miles of two reactor sites" or along the route of proposed shipment. CBE alleges that it has more than 3000 members in the Chicago area (within 50 miles of the Dresden site). Both CBE and NRDC, however, have failed to identify at least one individual member and present a particularized statement of such individual's interest in the proceeding and how such interest would be affected by the proposed action. Accordingly, NRC Staff opines that, at this point, CBE and NRDC have failed to satisfy the "interest" requirements of 10 CFR §2.714.

NRC Staff is also of the view that the discussion at pages 4-5 of the petition adequately identifies "the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene,"

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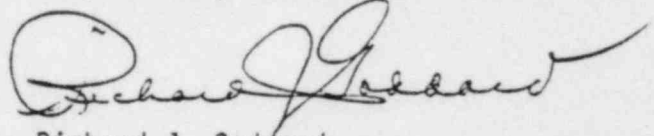
1/ Sierra Club v. Morton, 405 U.S. 727 (1972); Allied-General Nuclear Services, et al. (Barnwell Fuel Receiving and Storage Station), ALAB-328, 3 NRC 420, 423 (1976).

as required by 10 CFR §2.714(a)(2), as revised. Of course, contentions must be framed with specificity and basis at least 15 days prior to the special prehearing conference.

Conclusion

Until the defects in the CBE/NRDC petition for leave to intervene are cured by amendment, as permitted by 10 CFR §2.714(a)(3), the Staff opposes the granting of the petition.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard J. Goddard".

Richard J. Goddard  
Counsel for NRC Staff

Dated at Bethesda, Maryland,  
this 10th day of October, 1978.

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CERTIFICATE OF SERVICE

I certify that copies of the "NRC STAFF ANSWER TO THE COUNCIL FOR CITIZENS FOR BETTER ENVIRONMENT AND NATURAL RESOURCES DEFENSE COUNCIL'S PETITION FOR LEAVE TO INTERVENE," 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 10th day of October, 1978.

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