

usual reserve margins in the short term have no bearing on the situation five or six years later. Second, need for power is an issue in early site review proceedings only insofar as it indicates whether it is likely that demand for power will justify submitting the remainder of the construction permit for the additional generating capacity within the five year validity of any early site review decision. 10 CFR §2.605(b)(2)(1). As stated in Applicant's Answer to Petition to Intervene, considering the likelihood that an early site review decision could not be rendered in this case earlier than summer, 1980, and in view of the well-known, long lead times for construction and licensing of nuclear power plants, there is little doubt that Applicant will have to file the remainder of its construction permit applications prior to summer 1985, within the five-year "window" provided by the regulations. 10 CFR §2.606 (b)(2). We think that any uncertainty in forecasting load growth and in predicting construction and licensing delays for nuclear power plants is a compelling argument in favor of getting an early start on the licensing process.

The State of Illinois also argues that the site suitability determination should be delayed until certain unspecified lessons are learned from the Three Mile Island accident. Since the State of Illinois doesn't explain what lessons

need to be learned, Applicant can't respond to this argument, except by saying that we are unaware of any issues raised by Three Mile Island which are relevant to the issues involved in this early site review determination for Carroll County.

The State of Illinois argues that

"Even though early site review decisions may not be conclusive, it would be in the public interest and in the interest of the parties not to make site suitability determinations causing the companies' reliance until it is determined that the energy will be needed at the proposed date of operation, that the proposed station will not subsequently merely be delayed by the Illinois Commerce Commission, the Nuclear Regulatory Commission, or by newly imposed standards on the construction or on siting requirements themselves."

In the first place, contrary to the State of Illinois' suggestion, the determination of site suitability requested by Applicant will be conclusive as to the issues covered. 10 CFR §2.606(b)(2). Second, the argument is based on nothing more than speculation that some agency may take some action at some time in the future which may delay or prevent the construction and operation of the facility. Third, in raising this possibility, the State of Illinois is merely restating the well known unavoidable risks associated with licensing any nuclear power plant. As the First Circuit has observed in connection with the Seabrook case, in building nuclear power plants, "momentous decisions to commit funds are made on the strength of preliminary decisions by several

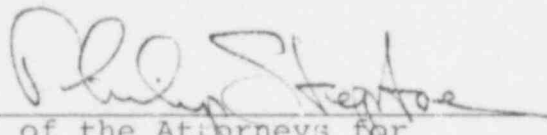
agencies which are open reevaluation and redetermination. The risk of loss to the private investors is necessarily a real and always present one." Audobon Society of New Hampshire v. United States, No. 76-1347 (Dec. 17, 1976), quoted in Public Service Company of New Hampshire, (Seabrook Station, Units 1 and 2) CLI-78-1, 7 NRC 1, 6 (1978). It does not follow, as the State of Illinois implies, that these risks can be reduced or eliminated by refusing to begin the NRC licensing process at an early time. To the contrary, early site review is designed by the PC (and utilized by the Applicant in this case) to minimize the inherent risks in the licensing process. Public Service Company of New Hampshire, supra, 7 NRC 1, 6. Finally, whether to incur the financial risks of building and licensing a nuclear power plant is a decision to be made by the companies' management and reviewed by the appropriate state public utility commissions. The NRC simply has no jurisdiction to deny the requested initiation of early site review proceedings on the basis that the licensing process may involve financial risks to the applicants.

Finally, the State of Illinois argues that an early site review will not allow intervenors "adequate time to fully explore the issues which will be considered." Again, this is a conclusory statement with no apparent basis. If anything, an early site review proceeding should give all

parties more time to adequately examine relevant issues than a single all-inclusive construction permit proceeding would allow.

For the reasons stated, Applicant requests that the NRC reject the State of Illinois' suggestion that early site review proceedings not be undertaken at this time.

Respectfully submitted,


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY,)	
<u>et al.</u>)	Docket Nos. S50-599
)	S50-600
(Carroll County Site))	

CERTIFICATE OF SERVICE

I, Philip P. Steptoe, hereby certify that copies of "Applicant's Response to People of Illinois' Brief in Support of Comments in Opposition to Early Site Review" in the above-captioned proceeding have been served on the following by depositing in the United States mail, first class, this 29th day of June, 1979:

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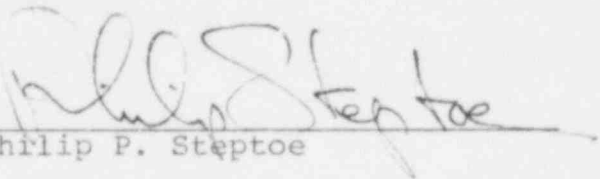
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