

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

HOUSTON LIGHTING AND POWER CO.,)
ET AL.)

Docket Nos. 50-498
50-499

(South Texas Project, Units 1 and 2))

PETITION BY AUSTIN CITIZENS FOR ECONOMICAL ENERGY
& BILL OF CONTENTIONS

Austin Citizens for Economical Energy hereby submits for leave to intervene in the Operating License Hearing for the South Texas Nuclear Project. This instrument is intended as a modification of petitioner David Marke's Supplementary Petition December 26, 1978. ACEE felt at that time that they had authorized Mr. Marke to represent their interests. By direction of the Board ACEE hereby requests standing as an individual entity but still desires to be represented by Mr. Marke. Attached please find an instrument executed by Mr. Roger Duncan chairman of ACEE authorizing Mr. Marke's representation. This petition is submitted simultaneously with Mr. Marke's modified petition.

As regards 10 CFR 2.714 (a) the ACEE petition is not in reality untimely inasmuch as its submission was ordered by this date with which we have complied. Remainder of the qualifications of 2.714 have been made in Mr. Marke's petition (attached) with which we concur.

ACEE submits in the interest of brevity a common "Bill of Contentions" with Mr. Marke's petition as an individual (attached).

B. Plea for Standing as a Representative of a Quasi-Public Body

In my initial petition I remarked that while my interest was personal and professional and that I was not engaged by any group to present my contentions. While not professionally engaged, petitioner Marke is a member of the steering committee, i. e. the governing body, of a group known as Austin Citizens for Economical Energy (ACEE). Petitioner Marke has been authorized by vote of the governing body of

ACEE to represent them and the combined interest of a group of citizens

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open to the public comprizing at this time over 100 formally aligned members in Austin and other communities, and supported at least in principle by a constituency of several thousand residents and consumers in Austin and the surrounding area including residents of the Houston community, including Mr. and Mrs. Robert Cook of Wadsworth, Texas, who reside less than 8 miles from the reactor (see attached letter)

location, While it would be time consuming if indeed not impossible to list all of the members and others represented by the members of ACEE, petitioner has attached as Appendix A to this pleading the names and addresses of the Chairman and Members of the steering committee of ACEE who have so designated Mr. Marke to represent their interests.

It is fairly well upheld by legal tradition that an established organization of citizens has a quasi-public aspect to it, and thus would seem to represent part of the public. If the "public" theoretically has standing, then part of the public, represented by an organization, does also. While ACEE does not formally pre-exist the South Texas Project, numerous of its members and the majority of its governing body have been involved in proceedings regarding this matter prior to its inception. Further ACEE was birthed at a considerable time prior to the publication in the Federal Register of the announcement of proceedings for this entended operating license. In no respect should ACEE or its membership be construed to have bonded together for the sole purpose of opposition to the operating license proceedings. In fact the group has a broad based range of interests in energy matters, has among its membership experts in various energy

fields, traditional and alternative, and has established itself in Austin as a respected gathering center for public input regarding a wide range of energy related procedures.

ACEE due to its diversity of both interests and membership, represents a great number of citizens/ratepayers who consider that operation of this reactor either jeopardizes their physical health, their mental health, their real property, and other such rights as may properly fall within the zone of interest protected by the Atomic Energy Act and the National Environmental Protection Act. ACEE in designating petitioner Marke to represent their interests is making every effort to assist in the development of a sound record, while hastening to avoid inappropriately broadening or delaying the proceedings as might be done were the several members of ACEE to apply for standing individually. In Northern States Power Company (Prairie Island) Nuclear Generating Plants, Units 1 & 2, CKI-75-1, 1 NRC 2 (1975), the Commission itself has indicated itself the importance of broad meaningful public participation: "A vital ingredient to the open and full consideration of licensing issues and in establishing public confidence in the sound discharge of the important duties which have been intrusted to us". ACEE and petitioner Marke seek to provide such broad and hopefully non-polarized public input in this fashion.

Again as it recognized that the Commission has generally not considered economic matters of great import in determining standing, petitioner