

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION DOCUMENT ROOM

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

Kansas Gas & Electric Co. (Wolf Creek)

Northern States Power Co. (Minn.)

Northern States Power Co. (Wis.) (Tyrone)

Public Service Co. of Indiana (Marble Hill)

Rochester Gas and Electric Corp. (Sterling)

Public Service Co. of New Hampshire (Seabrook)

Docket Nos. STN 50-482, STN 50-484, STN 50-546, STN 50-547, STN 50-485, 50-443,  
50-444



Motion to Consolidate Hearings on Radon

Intervenors in the dockets listed above move the Appeal Board to consolidate their cases in a single hearing on the matters raised by the intervenors in their answers to ALAB-480 (the radon issue). This motion is brought under 10 CFR 2.716.

All of the intervenors have filed answers to ALAB-480 asking that further evidence be presented on the impacts of radon beyond the record established in Perkins. We believe that justice and the convenience of all parties would best be served by holding a consolidated hearing.

The issue in controversy here—the significance of radon emissions from the uranium fuel cycle—is generic. Most of the evidence that could be presented on this issue will apply to all nuclear reactors. It makes sense, therefore, to develop a record supplementing Perkins in a consolidated proceeding. Separate hearings that would result in substantially similar records would be a waste of everyone's time and resources.

The Board's action in ALAB-480 mandating that the Perkins record be used as a "base" case has presented us with a de facto consolidation. This is the main reason that intervenors who previously opposed consolidation have changed their position.

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Since we already have a common record on radon in Perkins, it is only fair to continue that way.

Holding separate hearings under these circumstances is a piecemeal approach that would give an automatic disadvantage to the parties first in line for a hearing. The Board itself is moving in the direction of consolidation in this second phase of the radon proceedings. We understand that the Board has deferred making a final decision in some cases where there was no request for further radon hearings, so that it can have the benefit of a record in a contested hearing beyond Perkins.

We propose a consolidated proceeding as follows:

1. Evidentiary hearings before the Appeal Board with intervenors, applicants and staff jointly represented. Witnesses would be presented and cross examination conducted by a single representative for each side: intervenors, applicants and staff. Site specific information could be presented by individual parties.

2. Generic proposed findings to be offered in matters common to all applications, with an opportunity to offer specific findings in each docket on site specific matters.

3. Scope of the hearings to cover issues raised by parties answering ALAB 480.

For the purpose of filing this motion, the intervenors have agreed to be represented by Ecology Action of Oswego.

Sue Reinert  
Sue Reinert  
for Ecology Action of Oswego



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