

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

COMMISSIONERS:

'97 AUG -4 P2:45

Shirley Ann Jackson, Chairman
Greta J. Dicus
Nils J. Diaz
Edward McGaffigan, Jr.

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

_____)
In the matter of)
)
ATLAS CORP.)
)
(Moab, Utah Facility))
_____)

Docket No. 40-3453-MLA

SERVED AUG -4 1997

CLI-97-8

MEMORANDUM AND ORDER

The Commission denies the appeal filed by Mr. John F. Darke June 2, 1997, and affirms the Presiding Officer's order, LBP-97-9, 45 NRC 414 (May 16, 1997). We do so on the grounds set forth in LBP-97-9. In that order, the Presiding Officer rejected Mr. Darke's request for a formal hearing, concluded that Mr. Darke had not met his burden to establish standing to intervene, and dismissed the proceeding.

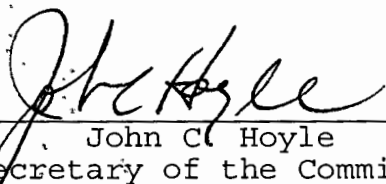
We ordinarily defer to Licensing Board standing determinations. See Yankee Atomic Elec. Co. (Yankee Nuclear Power Station), CLI-96-7, 43 NRC 235, 248 (1996). Here, we see no legal error or abuse of discretion in the Presiding Officer's refusal to grant standing to Mr. Darke, given his failure to offer more than general responses to the Presiding Officer's reasonable and clearly articulated requests for more specific information about Mr.

Darke's proximity-based standing claims. The four opportunities which Mr. Darke had to specify his claims were entirely adequate.

IT IS SO ORDERED.



For the Commission



John C. Hoyle
Secretary of the Commission

Dated at Rockville, Maryland,
this 4th day of August, 1997.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
ATLAS CORPORATION
(Request for License Amendment)

Docket No.(s) 40-3453-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMM MEMO & ORDER (CLI-97-8) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
G. Paul Bollwerk, III
Presiding Officer
Atomic Safety and Licensing Board
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Charles N. Kelber
Special Assistant
Atomic Safety and Licensing Board
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Lawrence J. Chandler, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Anthony J. Thompson, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, DC 20037

Richard Blubaugh
Atlas Corporation
Republic Plaza
370 17th St., Suite 3050
Denver, CO 80202

John F. Darke
General Delivery
Moab, UT 84532

Dated at Rockville, Md. this
4 day of August 1997

Adria T. Byrdson
Office of the Secretary of the Commission