

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



SERVED MAR 8 1979

In the Matter of)
LOUISIANA POWER & LIGHT COMPANY)
(Waterford Steam Electric)
Station, Unit 3))

Docket No. 50-382

MEMORANDUM AND ORDER

On January 2, 1979, at 44 Fed. Reg. 125, the U.S. Nuclear Regulatory Commission published a notice of "Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report, Consideration of Issuance of Facility Operating License; and Opportunity for Hearing". Among other things, said notice provided that any person whose interest may be affected by this proceeding may file a petition for leave to intervene by February 1, 1979. On January 29, 1979, Save Our Wetlands, Inc. (SOW) and Oystershell Alliance, Inc. (OA) jointly filed a petition for leave to intervene, and, on January 30, 1979 the Louisiana Consumer's League, Inc. (LCL) filed a petition for leave to intervene. In an answer of February 13, 1979, Applicant indicated that it had no objection to a finding that the joint petitioners (SOW and OA) had established standing. However, in its answer of February 14, 1979, Applicant took the position that LCL did not have standing to intervene either upon its own behalf or upon behalf of its members. In answers filed on February 21, 1979, while taking the position that none of the three organizations had shown standing to intervene

upon their own behalves, the Staff stated that these organizations had demonstrated standing to represent their members.

1. Standing of the Joint Petitioners

SOW represents that, as a non-profit corporation in Louisiana, it has long been concerned with and involved in the protection, maintenance and enhancement of Louisiana's waterways and wetlands as a source of livelihood and recreation, as well as an essential part of the life-support system of the State's eco-system. It asserts that its some 300 members live and work from within 14 to 40 miles of the Waterford 3 site and that any change in the ecological balance would have an adverse impact upon their livelihood, property interests, and living habits. Finally, SOW asserts that its petition is supported by the entire membership.

OA represents that, as a Louisiana non-profit corporation, it has been concerned with and involved in publicizing its positions upon nuclear fission matters since it was incorporated two years ago. It asserts that its some 300 members reside and work within 24 to 26 miles from the Waterford 3 site, and that health, safety and ecological problems may adversely affect them and their environment.

Both petitioners set forth the same five specific aspects of the subject matter of the proceeding as to which they seek to

intervene.^{1/}

It is clear and we so conclude that SOW and OA have demonstrated standing to intervene upon their own behalf and upon behalf of their members. They have asserted their institutional interests and the interests of their members. Moreover, they have met the "injury in fact" test and have alleged an interest "arguably within the zone of interest" protected by the statute. Ten Applications for Low-Enriched Uranium Exports to EURATOM Member Nations, CLI-77-24, 6 NRC 525 (1977); Portland General Electric Company, et. al., (Pebble Springs Nuclear Plant, Units 1 and 2) CLI-76-27, 4 NRC 610 (1976). Finally, distances up to fifty miles between the city of residence and the plant site will not preclude a finding of standing based upon residence in that city. Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1421 n. 4 (1977).

2. Standing of Louisiana Consumer's League, Inc.

LCL represents that, as a non-profit corporation in Louisiana, it represents and promotes the interests and rights of all consumers in Louisiana. It asserts that at least 147 of its members live within 30

^{1/} While we find that the setting forth of these specific aspects meet the requirements of 10 C.F.R. § 2.714, it should not be inferred that hereafter we will admit any contentions grounded thereon or derived therefrom.

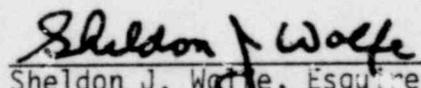
miles of the plant site and that the licensing for operation of this nuclear power station can seriously affect their health and safety and the quality of the environment. LCL sets forth three specific aspects of the subject matter of the proceeding as to which it seeks to intervene.^{2/}

While LCL has not shown that its institutional interests are involved and that these interests might be adversely affected, it does have standing as a representative of its members. Public Service Company of Indiana, inc. (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-322, 3 NRC 328 (1976). Via an affidavit, one of its members, the president, has implicitly authorized LCL to represent his interest. We conclude that LCL, upon behalf of its members, has satisfied the "injury in fact" test and the "zone of interest" test, and thus that LCL has standing to intervene.

Pursuant to 10 C.F.R. § 2.714a, within ten (10) days after service, this Order may be appealed to the Atomic Safety and Licensing Appeal Board.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Sheldon J. Wolfe, Esquire
Chairman

Dated at Bethesda, Maryland
this 7th day of March, 1979.

^{2/} See footnote 1, supra.