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provisions of the Commission's Rules of Practice (10 CFR § 2.714), timely petitions for leave to intervene were filed on April 7, 1980, by attorney Julian L. McPhillips, Jr., on behalf of ten individuals and a membership organization. The NRC Staff ("Staff") has already responded to eight of the petitions filed by nine of the individuals represented by attorney McPhillips.^{1/} Counsel for the Staff did not receive a copy of the two remaining petitions, filed on behalf of William F. Carroll and Safe Energy Alliance, Central Alabama (hereinafter referred to as "SEACA"), until after April 28, 1980, the date by which the Staff's Answer to those petitions would have been required to be filed if service on counsel for the Staff had been timely made.^{2/} Accordingly, the Staff responds herein to the petitions filed by William F. Carroll and by Safe Energy Alliance, Central Alabama.

For the reasons set forth below, the NRC Staff is of the view that the petition filed by William F. Carroll satisfies the standing and interest requirements for petitions for leave to intervene, as set forth in 10 CFR

^{1/} See "NRC Staff Answer to Petitions for Leave to Intervene Filed By Robert H. Campbell, Ann Toledo, Robert E. Ely, John A. Johnson, Marilyn F. Butler, Charles O. Butler, Randy Aronov, Linda G. Moore, and Sarah (S. N.) Draut," dated April 28, 1980, at 2 n.1.

^{2/} By telephone conversation with attorney Julian L. McPhillips, Jr., on April 25, 1980, the Staff learned that a petition for leave to intervene had been filed on April 7, 1980, by Mr. McPhillips on behalf of SEACA; a copy of that petition was received from Mr. McPhillips by counsel for the Staff on April 31, 1980. On May 5, 1980, Counsel for the Staff received from the Docket office a more complete set of copies of the docketed pleadings and then learned for the first time that certain other pleadings had been filed by attorney McPhillips on April 7, 1980, including a petition for leave to intervene filed on behalf of William F. Carroll.

§ 2.714, and that it sufficiently identifies the specific aspects of the proceeding as to which the petitioner seeks to intervene. Accordingly, the Staff recommends that the Carroll petition for leave to intervene be granted, subject to the timely submission by petitioner of at least one admissible contention, pursuant to 10 CFR § 2.714(b). Also, in the interest of restricting irrelevant, duplicative and repetitive evidence and argument, the Staff recommends that any order which is entered by the Atomic Safety and Licensing Board (the "Licensing Board") granting petitioner Carroll leave to intervene, be made subject to the condition that the common interests of petitioner Carroll and the other petitioners represented by attorney McPhillips be consolidated and represented by a single spokesman, to be duly appointed by those petitioners, pursuant to 10 CFR § 2.714(e).^{3/}

On the other hand, as to the petition filed by SEACA, the Staff is of the view that the petition fails to satisfy the interest and standing requirements for petitions for leave to intervene, as set forth in 10 CFR § 2.714. Accordingly, the Staff recommends that the petition filed by SEACA be denied, subject to the filing by SEACA of a curative amendatory petition, which complies with 10 CFR § 2.714, on or before June 14, 1980. In the alternative, should the Licensing Board enter an order granting SEACA leave to intervene,

^{3/} By telephone conversation of May 19, 1979, attorney Julian L. McPhillips authorized the Staff to state herein that he has no objection to our suggestion that the common interests of all the petitioners whom he represents (i.e., SEACA and the 10 individual petitioners) be consolidated and represented by a single spokesman, pursuant to 10 CFR § 2.714(e). In addition, Mr. McPhillips stated that he intends to file a motion in the near future, requesting that the Licensing Board enter an Order granting such consolidation of petitioners' interests.

the Staff recommends that such order be made subject to the timely submission by SEACA of at least one admissible contention, pursuant to 10 CFR § 2.714(b), and further, that such order be conditioned upon the representation of the common interests of SEACA's members and of the other petitioners represented by attorney McPhillips, by a single spokesman to be duly appointed by the petitioners, pursuant to 10 CFR § 2.714(e).

Discussion

As indicated in the notice of March 6, 1980, a petition for leave to intervene must comply with the requirements of 10 CFR § 2.714. That rule provides, in essence, that the petition must set forth with particularity the interest of the petitioner and demonstrate how that interest may be affected by the results of the proceeding, and must set forth also the specific aspect(s) of the subject matter of the proceeding as to which the petitioner seeks to intervene. In considering the petition, the Licensing Board should take into account (a) the nature and extent of the petitioner's right to be made a party, (b) the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and (c) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. 10 CFR § 2.714(a)(2); Washington Public Power Supply System (WPPSS Nuclear Projects, No. 3 and No. 5), LBP-77-16, 5 NRC 650 (1977).

In the balance of this Answer, we consider the Carroll petition and the SEACA petition seriatim. For each of those petitions, we examine (a) the requirement of interest and standing, (b) the requirement of identifying

specific aspects of the proceeding as to which intervention is sought, and (c) the appropriateness of requiring that petitioners' common interests be represented by a single spokesman.

I.

THE PETITION FILED BY WILLIAM F. CARROLL

A. Interest and Standing

As a general matter, it is well established that judicial concepts of standing should be applied in determining whether or not a petitioner is entitled to intervene as of right. Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-26, 4 NRC 610, 613-14 (1976). These judicial concepts require a showing (a) that the action being challenged could cause injury-in-fact to the person seeking to establish standing, and (b) that the injury is arguably within the zone of interests protected by the statute which governs the proceeding. Sierra Club v. Morton, 405 U.S. 727 (1972); Barlow v. Collins, 397 U.S. 159 (1970); Association of Data Processing Service Organizations v. Camp, 397 U.S. 150 (1970); Pebble Springs, *supra*; Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2), ALAB-342, 4 NRC 98 (1976). The potential injury alleged must be particularized to the individual petitioner and not one which is "shared in substantially equal measure by all or a large class of citizens." Edlow International Co., CLI-76-6, 3 NRC 563, 576 (1976), quoting Warth v. Seldin, 422 U.S. 490, 499 (1975).

Various factors have been held to be sufficient to establish the requisite standing. The Commission has recognized that sufficient interest may be demonstrated by claims that the petitioner lives within the geographical zone which might be affected by the normal or accidental release of fission products from the facility in question as a result of the proposed licensing action. Louisiana Power and Light Co. (Waterford Steam Electric Station, Unit 3), ALAB-125, 6 AEC 371, 372 n.6 (1973); Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2), 6 AEC 188 (1973). In this regard, it has been held that residence within proximity of a nuclear reactor site clearly falls within this geographical zone and is, by itself, sufficient to establish the requisite interest. Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station), ALAB-535, 9 NRC 377, 393 (1979); accord, Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2), ALAB-552, 9 NRC 54, 56 (1976). While no outer limits of this geographical zone have been established, it has been held that 50 miles "is not so great as necessarily to have precluded a finding of standing based upon residence." Tennessee Valley Authority (Watts Bar Nuclear Generating Station, Unit 1), ALAB-413, 5 NRC 1418, 1421 n.4 (1977). Similarly, it has been held that the pursuit of everyday activities in the vicinity of a reactor site is sufficient to establish interest. Gulf States Utilities Co. (River Bend Station, Units 1 and 2), ALAB-183, 7 AEC 222, 226 (1974); and use of the area surrounding a reactor site for recreational purposes is sufficient, in appropriate circumstances, to establish the requisite interest. Philadelphia

Electric Co. (Peach Bottom Atomic Power Station, Units 2 and 3), CLI-73-10, 6 AEC 173 (1973).^{4/}

The petition for leave to intervene filed by William F. Carroll is remarkably similar in form and substance to the petitions filed by the other nine individuals represented by attorney McPhillips. In fact, as we indicated in our Answer to those petitions, the petitions consist of nothing more than identical forms in which a few blank spaces have been filled in by each of the individual petitioners, identifying their residence and work locations.^{5/} The balance of the Carroll petition is otherwise identical to those filed by the other nine petitioners, asserting, without further explanation, (a) that the petitioner "lives and works in close proximity to the proposed facility;" (b) that the petitioner "would be affected by any release of radiation into the environment;" (c) that the petitioner "would be affected by an accident involving transportation of uranium to the facility or of fuel pellets from the facility" [sic] (the same typographical error is contained in each of the petitions); (d) that the petitioner "would be affected by releases of radiation from waste storage containers which are to be located at the

^{4/} The Staff notes that most of the cases which discuss the issue of distance from the facility, involved the licensing of nuclear reactors; and, in fact, the Staff is not aware of any cases which involve the licensing of nuclear fuel fabrication plants in which this issue is discussed. While the nature of the activities conducted at these two different types of facilities is wholly dissimilar, as is the nature of the fission products found at these two types of facilities, for the purpose of considering standing alone, the Staff has adopted the analysis found in the reactor licensing cases.

^{5/} See "NRC Staff Answer to Petitions for Leave to Intervene Filed By Robert H. Campbell, Ann Toledo, Robert E. Ely, John A. Johnson, Marilyn F. Butler, Charles O. Butler, Randy Aronov, Linda G. Moore, and Sarah (S.N.) Draut," at 6.

proposed facility;" (e) that the petitioner "would be affected by any accident which occurred as a result of sabotage, geological upheavals, flooding, tornadoes, or for any other causes;" and (f) that the petitioner's "enjoyment of his property may be affected by the proposal." The Carroll petition, like those of the other nine petitioners, asserts that leave to intervene should be granted "because the interests of Petitioner may be affected by the results of the proceeding in all the aspects" listed above, and that "[a]ny order which may be entered in the proceedings may affect Petitioner's safety, health and enjoyment of property."

As in the case of the other nine individual petitioners represented by attorney McPhillips, the only specific information supplied by Mr. Carroll is his name, residence and work location: Mr. Carroll states that he resides at Route 1, Lot 60A, Pike Road, in Montgomery County, Alabama, and that he works at 245 S. Court, in Montgomery, Alabama.

When the principles discussed supra at 5-6 are applied to these facts, it appears that petitioner Carroll has demonstrated the interest required by 10 CFR § 2.714. Although Mr. Carroll does not indicate the precise distances from the proposed plant site to his home or work location, it would appear that both of these locations are in fairly close proximity to the proposed site. The Staff notes that Applicant's Environmental Report states that the Prattville plant site "is approximately 12 miles northwest of Montgomery" (Alabama Nuclear Fuel Fabrication Plant Environmental Report (Dec. 1979), at 2-1). Also, upon reference to the standard road map of

Alabama published by Rand-McNally, the Staff has determined that the proposed plant site is approximately 25 miles from Pike Road, Alabama. The Staff is of the view that these facts, establishing Mr. Carroll's residence and daily activities within reasonably close proximity of the proposed plant site, are sufficient to establish the requisite interest and standing pursuant to 10 CFR § 2.714.

B. Aspects of the Proceeding

In addition to the "interest" requirement of 10 CFR § 2.714, a petition must also set forth with particularity the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene. The only relevant "aspects" of the proceeding are those which fall within the scope of the proceeding. Although this requirement has not yet been discussed extensively in NRC case law, it is apparent that it is intended to afford some notice to other parties to the proceeding of the issues which are likely to be litigated and, thereby, of the scope of the contested subject matter in the proceeding. The Staff submits that the appropriate test as to whether the "aspects" of the proceeding have been identified properly is whether they put the Licensing Board and the parties on notice regarding the basic areas in which the petitioner intends to raise contentions.

In his petition for leave to intervene, as did the other nine individual petitioners represented by attorney McPhillips, Mr. Carroll has expressed concern over the effects of radiation releases from the proposed plant, and

the effects of various postulated accident sequences upon his safety, health, and enjoyment of his property. In the Staff's opinion, petitioner Carroll has identified several aspects of the subject matter of the proceeding as to which intervention is desired. For these reasons, the Staff is of the view that petitioner Carroll has satisfied the "aspects" requirement set forth in 10 CFR § 2.714(a)(2).

C. Representation of Common Interests by a Single Spokesman

It is apparent upon reading the form petitions filed by Mr. Carroll and the other petitioners represented by attorney McPhillips that they are the result of a common effort on the part of the petitioners, or as is more probable, that they are the result of one person's effort. No attempt has been made by Mr. Carroll or the other petitioners to particularize or distinguish their individual concerns from those of the other petitioners, nor has any attempt been made by them to identify their particular property or other interests. In addition, all of the petitioners are represented by a single attorney, who apparently witnessed their execution of the petitions.

In light of these facts, the NRC Staff is of the view that, if leave to intervene is granted by the Licensing Board, the interests of all the parties would be served by an order which conditions such intervention upon the appointment by petitioners of a single spokesman who will thereafter represent the petitioners' common interests. Particularly in circumstances such as are presented by Mr. Carroll and the other petitioners represented by attorney McPhillips, the provisions of the Commission's rule for the con-

solidation of petitioners' interests are applicable. See 10 CFR § 2.714(e). The entry of an order under those provisions would have the immeasurably beneficial effect of limiting repetitive, duplicative, and irrelevant evidence and argument, while preserving the rights of the petitioners to have their interests fully represented and their concerns properly addressed.

II.

THE PETITION FILED BY SAFE ENERGY ALLIANCE, CENTRAL ALABAMA

As discussed above with respect to the petition filed by William F. Carroll, a petition for leave to intervene must comply with the requirements of 10 CFR § 2.714. That rule provides, in essence, that the petition must set forth with particularity the interest of the petitioner and demonstrate how that interest may be affected by the results of the proceeding, and must set forth also the specific aspect(s) of the subject matter of the proceeding as to which the petitioner seeks to intervene. See discussion supra, at 4. In the balance of this Answer to the SEACA Petition, we discuss, first, the requirements of interest and standing, and second, the requirement of identifying specific aspects of the proceeding as to which intervention is sought.

A. Interest and Standing

1. Intervention As Of Right

As discussed supra with respect to the petition filed by William F. Carroll, judicial concepts of standing should be applied in determining whether or not a petitioner is entitled to intervene as of right. These judicial

concepts require a showing (a) that the action being challenged could cause injury-in-fact to the person seeking to establish standing, and (b) that the injury is arguably within the zone of interests protected by the statute which governs the proceeding. Various factors have been held to be sufficient to establish the requisite standing, including (a) residence of the petitioner within the geographical zone which might be affected by the normal or accidental release of fission products from the facility in question; (b) pursuit of everyday activities in the vicinity of a reactor site; and (c) use of the area surrounding a reactor site for recreational purposes. See the discussion and cases cited supra, at 4-6, which the Staff hereby incorporates by reference with respect to the petition filed by SEACA.

In addition, where the petitioner is a membership organization, as SEACA purports to be, the petition must disclose certain other factors in order to establish the requisite interest and standing. It is elementary that a party may intervene as of right only when he asserts his own interests under either the Atomic Energy Act or the National Environmental Policy Act, and not when he asserts the interests of third persons. Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 & 2) ALAB-413, 5 NRC 1418, 1421 (1977). Since a membership organization is unlikely to have "interests" of its own sufficient to establish standing to intervene, its standing to intervene will depend upon whether it represents members of the group who have interests which will be affected by the licensing action and who, themselves, would have personal standing to intervene. Public Service Co. of Indiana (Marble Hill Nuclear Generating Station, Units 1 & 2), ALAB-322, 3 NRC 328

(1976). In order to establish such derivative standing as a representative of its members, it is not enough that the petition alleges that the organization has members who reside in the vicinity of the proposed site; rather, an organization should generally describe its membership and must identify at least one member who has a cognizable interest which might be affected by the results of the proceeding. Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station), ALAB-535, 9 NRC 377, 390, 394 (1979). In addition, the member with such an interest must have authorized the organization to represent his interests, where such authorization cannot be presumed from the nature of the organization. Allens Creek, supra, 9 NRC at 396. Finally, the petition must show that the person signing it has been authorized by the organization to do so. Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2), LBP-79-1, 9 NRC 73, 77 (1978).

When these principles are applied to the SEACA petition, it becomes apparent that SEACA has failed to demonstrate the interest required by 10 CFR § 2.714. In the petition, SEACA states that it consists of members (1) "who reside in Autauga, Montgomery, Elmore and surrounding counties of Central Alabama," (2) "who work in counties of Central Alabama near the proposed Prattville, Alabama location", and (3) "whose interests may be affected by the construction and operation of the proposed nuclear fuel fabrication plant." The petition then realleges, in language identical to that found in the petitions of Mr. Carroll and the other nine individuals represented by attorney McPhillips,^{6/} that its members (a) "live and work in close proximity to the

^{6/} For comparison purposes, we note that the identical language of the petition filed by William F. Carroll is cited supra at 7-8.

proposed facility;" (b) that its members "would be affected by any release of radiation into the environment;" (c) that its members "would be affected by any accident involving transportation of uranium to the facility or of fuel pellets from the facility;" (d) that its members "would be affected by releases of radiation from waste storage containers which are to be located at the proposed facility;" (e) that its members "would be affected by any accident which occurred as a result of sabotage, geological upheavals, flooding, tornadoes, or for any other causes;" and (f) that its members' "enjoyment of his [sic] property may be affected by the proposal."^{7/} As in the case of the ten individual petitioners represented by attorney McPhillips, the petition then asserts that leave to intervene should be granted because the interests of petitioner's members "may be affected by the results of the proceeding in all the aspects" listed above, and that "[a]ny order which may be entered in the proceedings may affect petitioner's members' safety, health and enjoyment of property." The petition is signed, "Safe Energy Alliance, Central Alabama, by Jack Naftel,"^{8/} and was filed along with a "Verification" and an "Affidavit," also signed by Mr. Naftel.

^{7/} This repetition of the language from the ten individual petitions, without even changing the appropriate language from the singular to the plural form, further demonstrates that the petition filed by SEACA is nothing more than a slightly modified refiling of the same form petition which was filed by each of the ten individual petitioners represented by attorney McPhillips.

^{8/} Mr. Naftel lists his address as 651 Hubbard Street, Montgomery, Alabama 36111.

The petition filed by SEACA, as the petition of an alleged membership organization, is deficient in one vital respect: Nowhere is there any identification of even a single member who has cognizable interests and who has authorized the organization to represent his interests, nor is there any statement of the nature and purpose of the organization, or the number and make-up of its membership. Although the petition is signed by Mr. Jack Naftel, nowhere does the petition or the accompanying "verification" or "affidavit" identify him as a member of SEACA or state that he has authorized that organization to represent his interests. Aside from Mr. Naftel, not one other individual is named who reasonably could be inferred to be a member of SEACA. In sum, all that is before us is the petition of an unidentified organization, whose purpose, make-up, size and particular interests are undefined, and which seeks to represent unnamed individuals who may or may not have cognizable interests and standing to intervene in this proceeding. For these reasons, the NRC Staff is of the view that SEACA, as a membership organization, has failed to satisfy the requirements of interest and standing as set forth in 10 CFR § 2.714. Accordingly, the Staff recommends that the SEACA petition be denied.^{9/}

2. Discretionary Intervention

Although a petitioner, such as SEACA, may lack standing to intervene as of right under judicial standing concepts, it nevertheless could be admitted as

^{9/} The Staff notes that petitioner SEACA has until June 14, 1980, in which to file an amended petition that more fully sets forth the information required for it to be granted leave to intervene as a representative of its members' interests. See Notice of Hearing, 45 Fed. Reg. 23553.

a party in the Licensing Board's discretion. The Licensing Board is to be guided in this exercise of discretion by a consideration of:

- (1) the extent to which the petitioner's participation reasonably may be expected to assist in developing a sound record;
- (2) the nature and extent of the petitioner's property, financial or other interest;
- (3) the possible effect on the petitioner's interest of any order which may be entered in the proceeding;
- (4) the availability of other means to protect the petitioner's interest;
- (5) the extent to which the petitioner's interest will be represented by existing parties; and
- (6) the extent to which petitioner's participation will inappropriately broaden or delay the proceeding.

Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 & 2), CLI-76-27, 4 NRC 610, 516 (1976). The primary factor here is the significance of the contribution that a petitioner might make. Pebble Springs, supra.

In the case of the SEACA petition for leave to intervene, it is clear that (1) no showing whatever has been made that petitioner would contribute in any way to the development of a sound record; (2) its interests (i.e., those of its members), are alluded to only generally without any identification of

even a single member whose interests may be adversely affected; and, (3) significantly, its interests undoubtedly will be protected adequately by the other petitioners represented by its attorney, Mr. McPhillips. In this regard, of particular significance is the fact that petitioner SEACA has filed a petition which is almost identical to the petitions filed by the other petitioners represented by Mr. McPhillips, and its "interests" and the alleged effects of the proposed licensing action are defined in language identical to that contained in those other petitions. Accordingly, it is the Staff's view that discretionary intervention cannot be granted based on the instant SEACA petition.

B. Aspects of the Proceeding

Although we have concluded that SEACA has failed to satisfy the interest and standing requirements of 10 CFR § 2.714, the Staff wishes to express its views with respect to other elements involved in determining whether or not SEACA should be granted leave to intervene in the future. The Staff notes that in addition to the "interest" requirement of 10 CFR § 2.714, a petition must also set forth with particularity the specific aspect or aspects of the subject matter of the proceeding as to which a petitioner wishes to intervene. The only relevant "aspects" of the proceeding are those which fall within the scope of the proceeding. Although this requirement has not yet been discussed extensively in NRC case law, it is apparent that it is intended to afford some notice to other parties to the proceeding of the issues which are likely to be litigated and, thereby, of the scope of the contested subject matter in the proceeding. The Staff submits that the appropriate test as to whether the "aspects" of the proceeding have been

properly identified is whether they put the Licensing Board and the parties on notice regarding the basic areas in which the petitioner intends to raise contentions, and whether those basic areas are within the scope of the matters which properly may be considered in the proceeding.

In the SEACA Petition, petitioner has expressed concern over the effects of radiation releases from the proposed plant, and the effects of various postulated accident sequences upon its members' safety, health, and enjoyment of their property. In the Staff's opinion, petitioner has adequately identified several aspects of the subject matter of the proceeding as to which intervention is desired. For these reasons, the Staff is of the view that although petitioner SEACA has failed to satisfy the "interest" and "standing" requirements, it nonetheless has satisfied the "aspects" requirement set forth in 10 CFR § 2.714(a)(2).

C. Representation of Common Interests by a Single Spokesman

As stated above, although the NRC Staff is convinced that petitioner SEACA has failed to satisfy the interest and standing requirements of 10 CFR § 2.714, the Staff recommends that any future Order granting petitioner SEACA leave to intervene be conditioned upon the representation of the common interests of SEACA's members with those of the ten individual petitioners represented by attorney McPhillips. As we noted in our discussion of the Carroll petition, supra at 10, it is quite apparent that the form petitions filed by all of these petitioners are the result of a common

effort on the part of the petitioners or, as is more probable, that these petitions are the result of one person's effort. No attempt has been made by SEACA or by the ten individual petitioners to particularize or distinguish their individual concerns from those of the other petitioners, nor has any attempt been made by them to identify their particular property or other interests. Typographical and other errors found in one petition are reproduced in each of the other petitions. Finally, all of these petitioners are represented by a single attorney, who apparently witnessed and notarized their execution of the petitions.

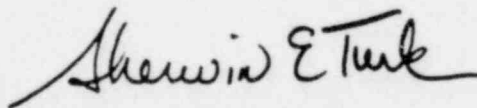
In light of these facts, the NRC Staff is of the view that any order granting leave to intervene to SEACA and/or the other petitioners who are also represented by attorney McPhillips, be conditioned upon the representation of their common interests by a single spokesman, pursuant to 10 CFR § 2.714(e). An Order conditioned upon such a requirement would greatly serve the interests of all the parties in this proceeding, in that it would limit repetitive, duplicative, and irrelevant evidence and argument, while preserving the rights of the petitioners to have their interests fully represented and their concerns properly addressed.

Conclusion

For the foregoing reasons, the NRC Staff respectfully submits (a) that petitioner William F. Carroll has demonstrated that he has interests which may be affected by the outcome of this proceeding, and has adequately identified

the aspects of the proceeding in which he seeks to intervene; and (b) that petitioner Safe Energy Alliance, Central Alabama, has failed to satisfy the interest and standing requirements of 10 CFR § 2.714. Accordingly, the Staff supports the petition for leave to intervene filed by William F. Carroll, and opposes the petition filed by Safe Energy Alliance, Central Alabama. Finally, the Staff urges that any Order granting either or both of these petitioners leave to intervene, be made subject to the filing by petitioner(s) of at least one admissible contention as required by 10 CFR § 2.714(b), and that intervention be conditioned upon the representation of the petitioners' common interests by a single spokesman, pursuant to 10 CFR § 2.714(e).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Sherwin E. Turk". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sherwin E. Turk
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 19th day of May, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
APPLICATION OF WESTINGHOUSE ELECTRIC)
CORPORATION FOR A SPECIAL NUCLEAR)
MATERIAL LICENSE FOR THE ALABAMA) Docket No. 70-2909
NUCLEAR FUEL FABRICATION PLANT (ANFFP))
TO BE LOCATED NEAR PRATTVILLE, ALABAMA)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF ANSWER TO PETITIONS FOR LEAVE TO INTERVENE FILED BY WILLIAM F. CARROLL AND SAFE ENERGY ALLIANCE, CENTRAL ALABAMA" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 19th day of May, 1980:

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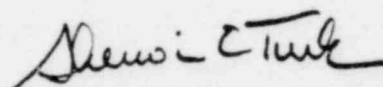
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A handwritten signature in cursive script, reading "Sherwin E. Turk". The signature is written in dark ink and is positioned above a horizontal line.

Sherwin E. Turk
Counsel for NRC Staff