

07/02/80

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)
NUCLEAR FUEL FABRICATION PLANT (ANFFP))
TO BE LOCATED NEAR PRAITVILLE, ALABAMA)

Docket No. 70-2909

NRC STAFF ANSWER TO MOTION REQUESTING ORDER
THAT PETITIONER SEACA BE RELIEVED OF THE REQUIREMENT
OF 10 CFR § 2.708(d) THAT ONE ORIGINAL AND 20 CONFORMED
COPIES OF ALL PLEADINGS BE FILED WITH THE COMMISSION

The NRC Staff ("Staff") files this Answer in response to the "Motion Requesting Order That Petitioner SEACA Be Relieved of the Requirement of [10 CFR § 2.708(d)] That One Original and 20 Conformed Copies of All Pleadings Be Filed With The Commission" ("Motion"), which was filed by The Safe Energy Alliance of Central Alabama, Inc. ("SEACA") on June 12, 1980.

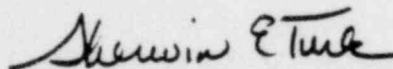
The Staff has no objection to the Motion filed by SEACA. SEACA states it is "a non-profit corporation with very limited resources", which "cannot afford the expense and burden of reproducing 20 additional copies of all pleadings sent to the Commission" (Motion, Para. 1). The Staff is of the view that in circumstances such as are alleged by SEACA, it is appropriate that a petitioner be relieved of the requirement of complying with the twenty-copy rule, and that the Licensing Board has the authority to grant such relief pursuant to 10 CFR § 2.708(d). That regulation provides, in applicable part, that "a pleading or other document other than correspondence shall be

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filed in an original and twenty (20) conformed copies", "[e]xcept as otherwise provided by this Part or by order" The Staff is of the view that SEACA has alleged facts sufficient to warrant the granting of relief, pursuant to 10 CFR § 2.708(d).^{1/}

Accordingly, the Staff recommends that the Licensing Board order that SEACA be relieved of the requirement of filing an original and 20 conformed copies of all pleadings and other documents in this proceeding.^{2/} Further, the Staff recommends that the Licensing Board specify in its Order the persons upon whom service will be required to be made by SEACA in all future filings in this proceeding.

Respectfully submitted,



Sherwin E. Turk
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 2nd day of July, 1980

^{1/} The Staff notes that a proposal to modify the twenty-copy rule, as it affects intervenors and petitioners such as SEACA, is presently being studied by the Nuclear Regulatory Commission although no change in this requirement has yet been authorized.

^{2/} The Staff has attempted to assist SEACA in complying with the procedural requirements of the Commission's Rules of Practice, as set out in Part 2 of 10 CFR, in the interest of achieving a more orderly proceeding. We must observe, however, that SEACA's Motion and its "Amended Petition for Leave to Intervene and Request for hearing" fail to comply with other requirements of the Rules of Practice, such as 10 CFR § 2.708(b) (size of paper); 10 CFR § 2.708(c) (date of signature on pleading); 10 CFR § 2.712(e) (proof of service, including manner of service); and 10 CFR § 2.730(b) (motions to be "accompanied by any affidavits or other evidence relied on, and, as appropriate, a proposed form of order").

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF ANSWER TO AMENDED PETITION FOR LEAVE TO INTERVENE AND REQUEST FOR A HEARING FILED BY THE SAFE ENERGY ALLIANCE OF CENTRAL ALABAMA, INC." and "NRC STAFF ANSWER TO MOTION REQUESTING ORDER THAT PETITIONER SEACA BE RELIEVED OF THE REQUIREMENT OF 10 CFR §2.708(d) THAT ONE ORIGINAL AND 20 CONFORMED COPIES OF ALL PLEADINGS BE FILED WITH THE COMMISSION", both 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 2nd day of July, 1980:

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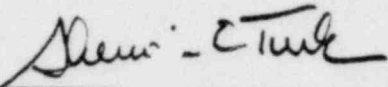
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