

01/26/81

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 50-170
ARMED FORCES RADIOBIOLOGY RESEARCH)	
INSTITUTE)	(Renewal of Facility
)	License No. R-84)
(TRIGA-Type Research Reactor))	

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NRC STAFF RESPONSE TO AMENDMENT TO
PETITION FOR LEAVE TO INTERVENE

I. INTRODUCTION

On January 16, 1981, Citizens for Nuclear Reactor Safety, Inc. (Petitioner or CNRS) filed an Amendment to Petition for Leave to Intervene (Amendment) in the license renewal proceeding for the research reactor located at the Armed Forces Radiobiology Research Institute (AFRRI). The Amendment included nine (9) affidavits executed by members of CNRS. Each affidavit identified the individual, stated that the individual resided in proximity to the AFRRI reactor,^{1/} declared that the individual was a member of CNRS and authorized CNRS to represent that member in this proceeding.

In the NRC Staff Response to Petition for Leave to Intervene by Citizens for Nuclear Reactor Safety, Inc. dated December 24, 1980 (Staff Response), the Staff discussed the general principles related to satisfying the Commission's regulations concerning intervention in a Commission proceeding and the application of those principles to CNRS' Petition for Leave to Intervene dated December 9, 1980 (Petition). The Staff Response concluded that the

^{1/} The affidavits indicate that the identified members reside from 0.3 miles to 4.4 miles from the site of the AFRRI nuclear reactor.

Petitioner had not met the interest and standing requirements for intervention as set forth in 10 CFR 2.714. The Amendment addresses the defects in the Petition as noted in the Staff Response.

II. DISCUSSION

When an organization seeks to base its claim of standing on the interests of its members, the organization must identify specific individual members with the requisite interest, describe how the interests of those members might be affected, and show that each of those members has authorized the organization to act on his or her behalf. Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377 (1979).^{2/} Geographical proximity of a member's residence to a facility is sufficient, standing alone, to satisfy that member's interest requirements under 10 CFR § 2.714. Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-522, 9 NPC 54 (1979).^{3/} As noted in the Staff Response,^{4/} in its Petition CNRS did not identify any of its members and therefore did not demonstrate standing on the basis of the standing of at least one of its members.

However, as stated in the Introduction, supra, CNRS has included in its Amendment nine (9) affidavits from its members. By identifying each member by name, establishing that their residences are in proximity to the reactor, and authorizing CNRS to represent them in this proceeding, these

^{2/} See discussion in Staff Response, p.4.

^{3/} Id.

^{4/} Staff Response, p.8.

affidavits are sufficient to demonstrate Petitioner's compliance with the criteria of Allens Creek and North Anna.

III. CONCLUSION

For the reasons set forth above, the Staff believes that the Amendment submitted by CNRS has cured the defects in its Petition concerning the interest and standing requirements of 10 CFR § 2.714.^{5/} The Staff intends to meet with the Petitioner and the licensee to discuss the admissibility of contentions and to attempt to stipulate admissible contentions.^{6/}

Respectfully submitted,



Richard G. Bachmann
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 26th day of January, 1981

^{5/} Counsel for Licensee, in a telephone communication with Counsel for NRC Staff on January 22, 1981, authorized the Staff to advise the Board that Licensee concurs in the Staff's conclusion and does not intend to submit a separate response to the Amendment.

^{6/} The Staff intends to follow the schedule proposed in the letter from Staff Counsel Richard G. Bachmann to Chairman Louis J. Carter, dated January 16, 1981.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO AMENDMENT TO PETITION FOR LEAVE TO INTERVENE" 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 26th day of January, 1981:

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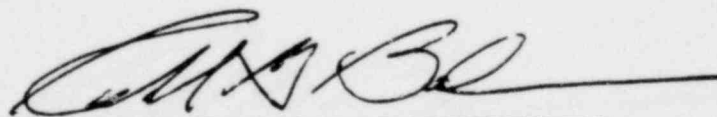
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