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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

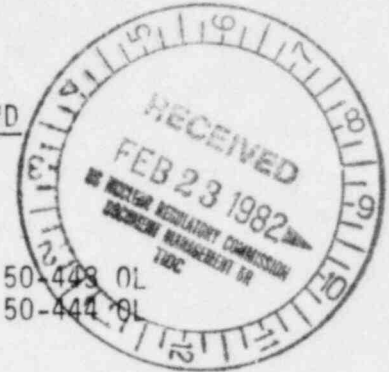
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

PUBLIC SERVICE COMPANY OF )  
NEW HAMPSHIRE, et al. )

(Seabrook Station, Units 1 and 2) )

Docket Nos. 50-443 OL  
50-444 OL



NRC STAFF RESPONSE TO SEACOAST ANTI-POLLUTION  
LEAGUE'S MOTION TO AMEND ITS PETITION TO INTERVENE

I. INTRODUCTION

By motion dated February 4, 1982, Petitioner Seacoast Anti-Pollution League (SAPL) seeks to amend its petition to intervene in this proceeding.<sup>1/</sup> SAPL's original petition to intervene was filed on November 13, 1981,<sup>2/</sup> and the NRC Staff responded in a document filed December 3, 1981.<sup>3/</sup> In its response the Staff argued that SAPL's petition was deficient and

- 1/ "Motion to Amend Petition to Intervene Filed by the Seacoast Anti-Pollution League Pursuant to 10 C.F.R. § 2.714(a)(3)," dated February 4, 1982.
- 2/ "Petition to Intervene" of Seacoast Anti-Pollution League, dated November 13, 1981.
- 3/ "NRC Staff Response to Petitions to Intervene and Requests for Hearing By Seacoast Anti-Pollution League and New England Coalition on Nuclear Pollution," dated December 3, 1981 (Staff Response).

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needed to be amended in order to establish SAPL's standing to intervene in this proceeding. The current motion by SAPL proposes such an amendment. The amendment consists of two affidavits which identify the affiants as members of SAPL; attempt to demonstrate their individual interests in this proceeding; and state that the affiants have authorized SAPL to represent their interests.

The NRC Staff does not oppose Petitioner's motion to amend, inasmuch as 10 C.F.R. § 2.714(a)(3) expressly permits amendments to intervention petitions without approval of the presiding officer at any time up to fifteen days prior to the first or special prehearing conference held to consider intervention matters. Furthermore, the Staff believes that the proposed amendment remedies the deficiencies in SAPL's original petition to intervene.

## II. DISCUSSION

In response to SAPL's petition to intervene, the NRC Staff expressed its opinion that SAPL had failed to satisfy the interest or standing requirement for intervention established in 10 C.F.R. § 2.714(a).<sup>4/</sup> For an organization to have standing to intervene to represent its members it must: (1) identify at least one member; (2) submit an affidavit from that member which demonstrates that the individual has a sufficient personal interest in the proceeding; and (3) that the individual has authorized the organization to represent that interest. Houston Lighting and Power Co., (Allens Creek Nuclear Generating Station, Unit 1),

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<sup>4/</sup> See Staff Response, December 3, 1981, at 6-7.

ALAB-535, 9 NRC 377, 389-400 (1979). SAPL's original petition to intervene failed to provide the necessary information.

SAPL, in its current filing, amends its petition to intervene by adding the affidavits of two of the organization's members (Mr. Edward Dumaine and Mr. Peter Randall). In the opinion of the Staff, this amendment remedies the previous deficiencies in the petition to intervene. The affidavits identify the affiants by name and address, and as members of SAPL. Both individuals live within close proximity of Seabrook Station and therefore have the necessary individual interest in this proceeding. See Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2), ALAB-197, 6 AEC 188, 190 (1973). Finally, both affiants authorize SAPL to represent their interests in this proceeding.

As a result of SAPL's amendments to its intervention petition, the NRC Staff believes that SAPL has satisfied the § 2.714(a) requirements for standing by an organization. Previously, the Staff took the position that SAPL's original petition to intervene had sufficiently designated, pursuant to § 2.714(a)(2), specific aspects of the proceeding as to which it wishes to intervene.<sup>5/</sup> Therefore, the Staff would now support admission of SAPL as a party to this proceeding upon its submission of at least one admissible contention at least fifteen days prior to a designated prehearing conference.<sup>6/</sup>

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<sup>5/</sup> See Staff Response, December 3, 1981, at 7-8.

<sup>6/</sup> Petitioner's motion states that the affidavits of members Randall and Dumaine raise specific contentions. The Staff, however, does not believe that the generalized health, safety, and environmental concerns expressed in the affidavits rise to the level of admissible contentions.

III. CONCLUSION

For the reasons set out above, the Staff does not oppose SAPL's motion pursuant to 10 C.F.R. § 2.714(a)(3) to amend its petition to intervene, and believes that the petition as amended now satisfies the standing requirements of 10 C.F.R. § 2.714.

Respectfully submitted,

*David A. Repka*

David A. Repka  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 22nd day of February, 1982.

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO SEACOAST ANTI-POLLUTION LEAGUE'S MOTION TO AMEND ITS PETITION 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 22nd day of February, 1982:

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