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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
JUN 4 1984

In the Matter of

WASHINGTON PUBLIC POWER
SUPPLY SYSTEM, ET AL.

(WPPSS Nuclear Project No. 3)

}
Docket No. 50-508 OL
}

NRC STAFF RESPONSE TO MOTION OF NICHOLAS D. LEWIS FOR
THE STATE OF WASHINGTON TO BE ADMITTED AS AN INTERESTED STATE

I. BACKGROUND

On May 7, 1984, Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, State of Washington, requested on behalf of the State of Washington that the State be admitted to this proceeding as an interested State pursuant to 10 C.F.R. Section 2.715(c). For the reasons set forth below, the NRC staff supports Mr. Lewis' motion for the Energy Facility Site Evaluation Council of the State of Washington to participate under 10 C.F.R. Section 2.715(c).

II. DISCUSSION

The Commission's regulations (10 C.F.R. Part 2) provide two primary procedures by which a state may participate in an NRC licensing proceeding. The first procedure is for the state to petition to intervene as a full party under 10 C.F.R. Section 2.714, which would include an identification of those issues it seeks to litigate. The second procedure permits the

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state to elect to participate as an interested State under 10 C.F.R. Section 2.715(c), which Mr. Lewis has chosen to do in the instant proceeding. Section 2.715(c) provides that "representatives of an interested State . . . and/or agencies thereof" will be afforded "a reasonable opportunity to participate and to introduce evidence, interrogate witnesses, and advise the Commission without requiring the representative to take a position with respect to the issue[s]." This provision of the Commission regulations allows a representative of an interested State to participate in NRC licensing proceedings without having to become a full party to the proceeding. See Gulf States Utilities Company (River Bend Station, Units 1 and 2), ALAB-317, 3 NRC 175, 178-179 (1976).

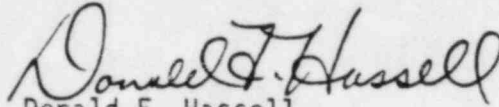
While a state seeking admittance to the proceeding is not required to set forth contentions as a prerequisite to its participation, once admitted it must comply with all of the procedural requirements applicable to other participants. Gulf State Utilities Co. (River Bend Station Units 1 & 2), ALAB-444, 6 NRC 760, 768 (1977). Moreover, a representative of an interested State seeking to participate must take the proceeding as he finds it. Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-600, 12 NRC 3, 8 (1980). In this case, the Licensing Board has admitted a party intervenor in this proceeding and has determined that nine contentions are litigable, but discovery has not commenced.

III. CONCLUSION

Given that the State of Washington is the state in which the proposed operation of WPPSS Unit 3 is to be conducted and thus the state would

have a direct interest in that activity, the NRC Staff has no objection to the admission of the Energy Facility Site Evaluation Council of the State of Washington as a participant in this proceeding pursuant to 10 C.F.R. Section 2.715(c).

Respectfully submitted,


Donald F. Hassell
Counsel for NRC Staff

Dated in Bethesda, Maryland
this 4th day of June, 1984.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO MOTION OF NICHOLAS D. LEWIS FOR THE STATE OF WASHINGTON TO BE ADMITTED AS AN INTERESTED STATE" 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 4th day of June, 1984:

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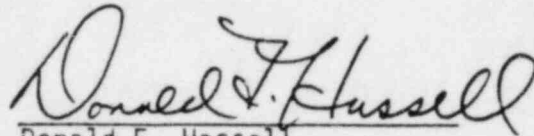
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A handwritten signature in cursive script that reads "Donald F. Hassell". The signature is written in dark ink and is positioned above a horizontal line.

Donald F. Hassell
Counsel for NRC Staff