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October 9, 1998

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION '98 OCT 13 A11:59

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD SECRETARY  
OF RULEMAKINGS AND  
ADJUDICATION STAFF

In the Matter of	)	Docket Nos.	50-269-LR
	)		50-270-LR
DUKE ENERGY CORPORATION	)		50-287-LR
	)		
(Oconee Nuclear Station,	)		
Unit Nos. 1, 2, and 3)	)		

NRC STAFF'S ANSWER TO  
THE PETITION FOR LEAVE TO INTERVENE FILED BY  
NORMAN "BUZZ" WILLIAMS, WILLIAM "BUTCH" CLAY, W.S. LESAN,  
AND THE CHATTOOGA RIVER WATERSHED COALITION

INTRODUCTION

Pursuant to 10 C.F.R. § 2.714(c) and the Atomic Safety and Licensing Board's Prehearing Order of September 18, 1998, the staff of the Nuclear Regulatory Commission (Staff) hereby responds to the letter dated September 8, 1998, filed by Norman "Buzz" Williams, William "Butch" Clay, W.S. Lesan, and the Chattooga River Watershed Coalition (CRWC) (collectively referred to as Petitioners) requesting leave to intervene (Petition), as amended on September 30, 1998. For the reasons set forth below, the Petition should be denied.

BACKGROUND

On July 6, 1998, the Duke Energy Corporation (Duke Energy or Applicant) submitted an application pursuant to 10 C.F.R. Part 54 to renew the operating licenses for the Oconee Nuclear Station (Oconee), Units 1, 2, and 3. On August 11, 1998, pursuant to

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10 C.F.R. §§ 54.27 and 2.105, the Staff published a notice of opportunity for a hearing on the application (Notice). "Duke Energy Corporation, Oconee Nuclear Station Units 1, 2, and 3; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of Licenses Nos. DPR-38, DPR-47, and DPR-55 for an Additional 20-Year Period," 63 Fed. Reg. 42,885 (1998). The Notice provided that by September 10, 1998:

any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the license renewals in accordance with the provisions of 10 CFR 2.714.

...  
As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters which may be considered pursuant to 10 CFR Parts 54 and 51. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the ... factors [in 10 C.F.R. § 2.714(d)]. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene.

*Id.* (emphasis added).

On September 8, 1998, the Petitioners filed their Petition. On September 15, 1998, the Commission issued an Order referring the Petition to the Chief Administrative Judge of the Atomic Safety and Licensing Board panel for assignment of an Atomic Safety and Licensing Board to preside over this proceeding. *Duke Energy Corp.* (Oconee Nuclear Station, Units Nos. 1, 2, and 3), CLI-98-17, 48 NRC \_\_\_, slip op. (Sept. 15, 1998). On September 16, 1998, the Chief Administrative Judge appointed a Licensing Board to preside over the proceeding. 63 Fed. Reg. 50,929 (1998). On September 18, 1998, a "Notice of Reconstitution of Board" was issued. 63 Fed. Reg. 51,107 (1998). The reconstituted Board

then issued a "Memorandum and Order," which, *inter alia*, scheduled further filings regarding the Petition. "Memorandum and Order," (Sept. 18, 1998) (Prehearing Order).

The Prehearing Order provided that the Petitioners could file an amendment to "address any shortcomings in their initial pleading in addressing the requirements of 10 C.F.R. § 2.714(a)(2)" no later than September 30, 1998. *Id.* at 2. On September 28, 1998, the Petitioners requested a 30-day extension of time in which to file an amendment. The Board subsequently denied this request, but provided the Petitioners additional time in which to file their proposed contentions. Order (Ruling on Request for Extension of Time), October 1, 1998.

On September 30, 1998, the Petitioners filed, via electronic mail, an amendment to their Petition (Amendment). On the same day, the Petitioners also filed an attachment to their Amendment providing further information regarding CRWC (Attachment). As discussed below, the Petitioners in their initial Petition and in their Amendment and Attachment fail to establish standing to intervene in this proceeding. Therefore, the Petition should be denied.

#### DISCUSSION

##### A. Legal Requirements for Intervention.

The Commission's regulations provide that a petition for leave to intervene, *inter alia*, "shall set forth with particularity the interest of the petitioner in the proceeding, [and] how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors set forth in [§ 2.714(d)(1)]." 10 C.F.R. § 2.714(a)(2). Pursuant to 10 C.F.R. § 2.714(d)(1), in ruling

on a petition for leave to intervene or a request for hearing, the presiding officer or Licensing Board is to consider:

- (i) The nature of the petitioner's right under the Act to be made a party to the proceeding.
- (ii) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.
- (iii) The possible effect of any order that may be entered in the proceeding on the petitioner's interest.

Finally, a petition for leave to intervene must set forth "the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene." A Board lacks jurisdiction to consider an intervention petition in which the aspect of the proposed intervention is not within the scope of the proceeding. *Philadelphia Electric Co.* (Limerick Generating Station, Unit 1), LBP-86-9, 23 NRC 273, 277 (1986).

In determining whether a petitioner has established the requisite interest, the Commission applies contemporaneous judicial concepts of standing. *Gulf States Utilities Co.* (River Bend Station, Unit 1), CLI-94-10, 40 NRC 43, 47 (1994). In order to establish standing, a petitioner must show that the proposed action will cause "injury-in-fact" to the petitioner's interest and that the injury is arguably within the "zone of interests" protected by the statutes governing the proceeding. The alleged interest must be concrete and particularized, fairly traceable to the challenged action, and likely to be redressed by a favorable decision. *Raines v. Byrd*, 117 S. Ct. 2312, 2318 (1997); *see also Georgia Power Co.* (Vogle Electric Generating Plant, Units 1 and 2), CLI-93-16, 38 NRC 25, 32 (1993), *citing Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). A petitioner must have

a "real stake" in the outcome of the proceeding to establish injury-in-fact for standing. *Houston Lighting and Power Co.* (South Texas Project, Units 1 and 2), LBP-79-10, 9 NRC 439, 447-48, *aff'd*, ALAB-549, 9 NRC 644 (1979). To establish injury-in-fact, the petitioner must establish that he personally has suffered or will suffer a "distinct and palpable" harm that constitutes injury-in-fact. *Dellums v. NRC*, 863 F.2d 968, 971 (D.C. Cir. 1988); *Vogtle*, CLI-93-16, 38 NRC at 32.

An organization may establish standing either by demonstrating an injury to its organizational interests or through one or more of its individual members who have demonstrated standing. See *Georgia Institute of Technology* (Georgia Tech Research Reactor), CLI-95-12, 42 NRC 111, 115 (1995). The interests of members which a group seeks to represent and which confer standing upon the group must be "germane to its purpose." *Private Fuel Storage, L.L.C.*, (Independent Spent Fuel Storage Installation), CLI-98-13, 48 NRC 26, 31, *citing Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333, 343 (1977). An organization pursuing standing in a representative capacity must show that the individual members it professes to represent have authorized the organization's representation. *South Texas*, LBP-79-10, 9 NRC at 444. In addition, an organization's request for leave to intervene must be signed by an individual authorized to act on behalf of the organization. *Id.*

Living within a specific distance from the plant has been found to be enough to confer standing on that petitioner in proceedings concerning construction permits, operating licenses, or significant amendments thereto. See *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 329 (1989). Such cases have

involved construction or operation of the reactor itself, with clear implications for the offsite environment, or major alterations to the facility with a clear potential for offsite consequences. *Id.* Absent situations involving such obvious potential for offsite consequences, a petitioner must allege some specific injury-in-fact. *Id.* at 329-30.

In some amendment proceedings, where it was determined that licensing actions involved obvious potential for offsite consequences, the Commission and licensing boards have, nevertheless, traced alleged concrete injuries to the requested actions in finding that petitioners have standing. *See, e.g., Cleveland Electric Illuminating Co.* (Perry Nuclear Power Plant, Unit 1), CLI-93-21, 38 NRC 87, 93-95 (1993) (petitioner had standing based on proximity and claim that material withdrawal schedule was safety-related); *Vogtle*, CLI-93-16, 38 NRC at 35 (petitioner had an interest based on proximity, which was linked to the proposed license transfer amendment based on concern regarding "non-safety-conscious management"); *General Public Utilities Nuclear Corp.* (Oyster Creek Nuclear Generating Station), LBP-96-23, 44 NRC 143, 159 (1996) (proximity in conjunction with possible offsite consequences from a shield plug accident sufficient to establish standing); *but see Arizona Public Service Co.* (Palo Verde Nuclear Generating Station, Units 1, 2, and 3), LBP-91-4, 33 NRC 153, 157 (1991) (proximity alone in the case of an operating license amendment proceeding can support standing to intervene).

While, arguably, a license renewal proceeding may be viewed as the functional equivalent of an operating license proceeding in that a renewed operating license conveys the authority for a facility to be operated, it differs in a way material to the issue of standing. In an initial licensing action the Commission, for the first time, makes the findings of

compliance and reasonable assurance needed to authorize operation. *See* 10 C.F.R. § 50.57. In a renewal action, on the other hand, fundamental operating parameters and associated safety findings are unaffected and are unchanged. By virtue of the rulemaking action associated with the promulgation of 10 C.F.R. Part 54, such operating parameters and safety findings are beyond the scope of the proceeding, save to the very narrow extent that they may be affected by aging-management considerations. *See* 10 C.F.R. § 54.21. The Commission has determined that, except for age-related matters, the regulatory process is adequate to ensure that the licensing bases of all currently operating plants provide and maintain an acceptable level of safety for operation. *See* "Nuclear Power Plant License Renewal; Revisions," 60 Fed. Reg. 22,461, 22,463 (1995); "Nuclear Power Plant License Renewal," 56 Fed. Reg. 64,943, 64,950 (1991). The Commission concluded, therefore, that operation of the facility during the license renewal period will not endanger the public health and safety and would not be inimical to the common defense and security. *Id.* In relation to standing, then, it is wholly appropriate to inquire beyond the mere assertion of geographic proximity alone, to assess just what discernable injury there might be and how it might be redressed by adjudication of the matter. Accordingly, proximity should be treated as only one factor in determining standing in license renewal proceedings.

**B. The Petitioners Have Not Established Standing to Intervene in this Proceeding**

The one-page letter that serves as the Petition in this matter as well as the Amendment and Attachment are unclear regarding the capacity in which the individual Petitioners or CRWC wish to intervene, that is as individuals or as an organization. The letter, signed solely by Petitioner Williams, states only that "I along with the following

individuals and the Chattooga River Watershed Coalition (CRWC) are hereby filing a petition to intervene." The Amendment similarly provides only that CRWC and the individual Petitioners submit an amendment to the Petition, and was also signed only by Petitioner Williams. For purposes of answering the Petition, the Staff assumes that all individuals listed and CRWC wish to intervene on their own behalf.

1. CRWC Does Not Have Standing to Intervene in this Proceeding

CRWC fails to establish organizational standing. In the Attachment, the Petitioners state that "the organization and its membership are dedicated to the protection and preservation of the Chattooga River watershed, and contiguous areas." Attachment at 1. The Petitioners further state that the Chattooga River is located approximately 20 miles from the Oconee facility. *Id.* Although CRWC has identified an organizational interest, it makes no attempt to define any injury-in-fact that is fairly traceable to the proposed action. In addition to CRWC's failure to show an interest warranting intervention, there is no evidence that Petitioner Williams, the only person to sign the Petition and the Amendment, is authorized by CRWC to seek intervention in this proceeding on its behalf. Although it appears that Petitioner Williams is a member of CRWC, there is no indication in any of CRWC's filings of whether Petitioner Williams holds a position of authority within the organization such that he may assert the organization's purpose. Based on the above, CRWC has not established organizational standing.

CRWC also fails to establish standing based on its representation of one of its members. In order to achieve representational standing, CRWC must show (1) that the individuals are members who have authorized the representation; (2) that the interests of the



members in the proceeding are germane to the organization's purpose; and (3) that at least one of the members has established standing to intervene in his own right. CRWC fails to comply with any of these requirements. *See Private Fuel Storage*, CLI-98-13, 48 NRC at 30-31.

In its Attachment, CRWC states, without further amplification, that it has numerous members who reside within 50 miles of the Oconee facility. Attachment at 1. The Attachment indicates that the three individual Petitioners named in the initial Petition are members of CRWC. *See* Attachment at 1. By virtue of the fact that Petitioner Williams signed the Petition, the Staff is willing to assume that he intended to authorize CRWC to represent his interests. Based on the initial Petition and subsequent filings, however, there is no evidence that Petitioners Clay and Lesan have authorized CRWC to represent their interests in this proceeding as they did not sign the letter. Therefore, CRWC may not represent these individuals' interests.<sup>1</sup>

As stated above, the interests of those an organization seeks to represent must be germane to the organization's purpose. Although the Petitioners have stated CRWC's purpose in their Attachment, as discussed below, neither the Petition, the Amendment, nor the Attachment set forth with particularity the interests of the three individuals it seeks to represent. Therefore, CRWC has not shown that the interests of its members are germane to its purpose. Finally, as discussed below, the individuals CRWC seeks to represent do not

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<sup>1</sup> In addition to the above-mentioned deficiencies, there is no evidence that Mr. Williams is an attorney-at-law who may assert the interests of Petitioners Clay and Lesan. *See* 10 C.F.R. § 2.713(b) (providing that individuals who are not attorneys may only represent themselves). Consequently, Petitioner Williams may not represent the other named individuals in this proceeding.

have standing in their own right. Accordingly, CRWC has not established standing based on its representation of these three individuals.

2. The Individual Petitioners Do Not Have Standing to Intervene

Petitioners Williams, Clay, and Lesan fail to establish standing in their own right. The sole basis provided by the individual Petitioners to support standing is their assertion that they own property and reside within 20 miles of Oconee. Petition at 1. The addresses provided for Petitioners Clay and Lesan, however, are post office boxes, which is not sufficient information to support this assertion of residential proximity. Even assuming that they do in fact live within 20 miles of the facility, for the reasons discussed above, proximity should only be considered as a factor in determining standing. The Petition, the Amendment and the Attachment are devoid of any explanation of how, in the context of license renewal under Part 54, granting the application might cause any injury to the individual Petitioners' interests or how any injury might be redressed by a favorable decision. Accordingly, the Petition should be denied.

C. The Petitioners Have Identified an Appropriate Aspect

As stated above, 10 C.F.R. § 2.714(a) requires that the Petition set forth the specific aspect of the subject matter of the proceeding as to which the Petitioners wish to intervene. An "aspect" is broader than a "contention" but narrower than a general reference to the Commission's operating statutes. *Consumers Power Co.* (Midland Plant, Units 1 & 2), LBP-78-27, 8 NRC 275, 278 (1978). A Board lacks jurisdiction to consider an intervention petition in which the aspect of the proposed intervention is not within the scope of the proceeding. *Limerick*, LBP-86-9, 23 NRC at 277.

Although not specifically labeled as "aspects," the Petitioners raised concerns in their Amendment which the Staff evaluated to determine whether they may be considered as potential aspects in this proceeding. *See* Amendment at 2. The Petitioners first raise the issue of embrittlement of Oconee's "containment vessels." *Id.* The Staff assumes that the Petitioners intend to refer to the embrittlement of either the reactor vessels or the containment. Since the issue of embrittlement relates to aging, this issue is within the scope of Part 54, and is an appropriate aspect of this proceeding.<sup>2</sup> In addition, Petitioners' concern regarding the transportation of radioactive material to an off-site storage facility<sup>3</sup> is within the scope of this proceeding, and is, therefore, an appropriate aspect.<sup>4</sup> *See* 10 C.F.R. § 51.95(c); Appendix B to Subpart A, Part 51.

The Petitioners' other concerns, however, are outside the scope of this proceeding and, therefore, are not appropriate aspects of this proceeding. These concerns relate to the

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<sup>2</sup> In the context of this raising this issue, the Petitioners also state "questions concerning embrittlement, as well as other issues and factors directly related to the aging of the Oconee Nuclear Station must be addressed." *Id.* at 2. The Petitioners' concerns regarding other issues and factors related to aging are too broad to be considered appropriate aspects.

<sup>3</sup> The environmental impacts of transportation of high level waste to an off-site storage facility are the subject of an ongoing rulemaking. *See* SECY-97-270 (December 3, 1997); Staff Requirements Memorandum, January 13, 1998. In SECY-97-270, the Staff presented its preliminary view that this issue could be a category 1 issue (and not subject to further review in an individual license renewal proceeding) and be generically adopted in a license renewal application. Thus, any contentions related to this aspect may not be admissible in this proceeding. *See Duke Power Co. (Catawba Nuclear Station, Units 1 and 2)*, ALAB-813, 22 NRC 59, 86 (1985) *citing Potomac Elec. Power Co. (Douglas Point Nuclear Generating Facility)*, ALAB-218, 8 AEC 79, 85 (1974).

<sup>4</sup> Even though the Petitioners have identified two appropriate aspects, they must still submit contentions that meet the requirements of 10 C.F.R. § 2.714(b).

storage and management of spent fuel and "other radioactive substances" at the Oconee facility as well as the availability of other storage sites. *Id.* The subject of the storage and management of spent fuel is outside the scope of this proceeding and, therefore, is not an appropriate aspect of this proceeding for purposes of 10 C.F.R. § 2.714. *See* 10 C.F.R. § 54.4.<sup>5</sup> Similarly, the issue of the availability of off-site storage sites is beyond the scope of this proceeding and is not, therefore, an appropriate aspect. *See id.* *See also* 10 C.F.R. § 51.23.

D. Other Issues

The Petitioners raise several issues in their Amendment, which, although not related to standing, need to be addressed. The Petitioners claim that this proceeding fails to fully comply with the "letter and intent" of the National Environmental Policy Act (NEPA) and the Administrative Procedure Act (APA). Amendment at 1. The Petitioners assert, without reference to any specific provisions of NEPA or the APA, that by being required to submit petitions to intervene before having the opportunity to participate in public meetings, the NRC has violated the "letter and intent" of NEPA and has acted arbitrarily and capriciously.

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<sup>5</sup> In promulgating the license renewal rule, the Commission stated that "[g]iven the Commission's ongoing obligation to oversee the safety and security of operating reactors, issues that are relevant to current plant operation will be addressed by the existing regulatory process within the present license term rather than deferred until the time of license renewal." 60 Fed. Reg. 22461 (May 8, 1995). The Commission further stated that the current regulatory process is "adequate to ensure that the licensing basis of all currently operating plants provides and maintain an acceptable level of safety." *Id.* Accordingly, issues related to the maintenance of the current licensing basis (CLB) are outside the scope of part 54. 10 C.F.R. § 54.30. Since the maintenance of the spent fuel pool is part of the CLB, it is outside the scope of this proceeding. *See* 10 C.F.R. §§ 54.3, 54.30. In addition, the Applicant was granted a license, pursuant to Part 72, to store spent fuel in an Independent Spent Fuel Storage Facility. 55 Fed. Reg. 4035 (February 6, 1990). The granting of this license was subject to the hearing requirements of 10 C.F.R. Part 2.

*Id.* The Petitioners also assert that it is "common knowledge" that citizens do not read the *Federal Register* and that the vast majority of the public is unaware of the "slim window" of opportunity to gain expertise on and legal standing for certain issues.<sup>6</sup> *Id.*

The Petitioners' claims are wholly unsupported. While making reference to NEPA and the APA, they fail to provide any references to these statutes to support their assertions. The Commission's regulations regarding the filing and submission of petitions for leave to intervene are in accord with the Atomic Energy Act of 1954, as amended. *BPI v. Atomic Energy Commission*, 502 F.2d 424 (D.C. Cir. 1974). Moreover, the NRC may adopt a pleading schedule designed to expedite its proceedings. *Union of Concerned Scientists v. United States Nuclear Regulatory Comm'n*, 920 F.2d 50, 55 (D.C. Cir. 1990). See also *Baltimore Gas & Electric Co.* (Calvert Cliffs Nuclear Power Station, Units 1 and 2), CLI-98-15, 48 NRC \_\_\_\_, slip op. at 8 (August 26, 1998); *Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC 18 (1998). Nothing in NEPA or the APA would require a different process. See *id.* Further, the publication in the *Federal Register* of the notice of opportunity to request a hearing, which set forth the Commission's requirements regarding the filing of petitions for leave to intervene and requests for a hearing, is deemed, by federal law, to be proper notice to "all persons residing within the States of the Union and the District of Columbia." 44 U.S.C. § 1508 (1988). See *Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-574,

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<sup>6</sup> The Petitioners also express concern that the "vast majority of the public" are unfamiliar with the Commission's regulations. Amendment at 1. Although the Petitioners cannot represent the concerns of the general public, nevertheless, as discussed above, publication in the *Federal Register* is sufficient notice.

11 NRC 7, 10 (1980). Thus, the Petitioners should have been aware of the notice of the opportunity to request a hearing and of the Commission's requirements regarding the filing of such petitions.<sup>7</sup>

The Petitioners also complain that ongoing programs and previous commitments of CRWC have prevented it from getting adequate notice or funds to retain counsel to date. Amendment at 2. The Petitioners further assert that the individuals named in the Petition have full time jobs and also lacked adequate notice and funds to retain counsel to date. *Id.* CRWC and the individual Petitioners have had ample notice of the deadlines in this proceeding. *See* October 1, 1998 Order (Ruling on Extension of Time) at 2. Further, neither the lack of funds nor the lack of other resources are sufficient justification for the failure of a petitioner to comply with deadlines set by an ASLB. *See Statement of Policy on Conduct of Licensing Proceedings*, CLI-81-8, 13 NRC 452, 454 (1981); *Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit 1), ALAB-772, 19 NRC 1193, 1247 (1984). Thus, the Petitioners' complaints fail to either establish standing in this proceeding or excuse their inability to comply with the Commission's regulations regarding standing.

#### CONCLUSION

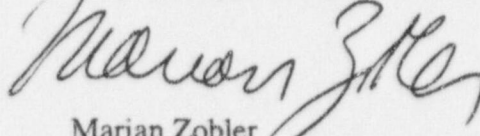
Because proceedings on license renewal applications under Part 54 are of limited scope, proximity to the facility should be considered as just one factor in determining whether a petitioner has standing to intervene. Under this standard, the individual Petitioners as well as CRWC, either on its own behalf or on behalf of its members, have failed to

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<sup>7</sup> Further, the NRC issued a press release on August 7, 1998 announcing the notice of the opportunity to request a hearing. This press release was also placed on the NRC's website.

establish standing to intervene in this proceeding, insofar as the Petition does not show an injury-in-fact to the CRWC or its members, or the named individuals' interests. Therefore, the Petition should be denied.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marian Zobler".

Marian Zobler  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 9<sup>th</sup> day of October, 1998

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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50-287-LR

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ANSWER TO THE PETITION FOR LEAVE TO INTERVENE FILED BY NORMAN "BUZZ" WILLIAMS, WILLIAM "BUTCH" CLAY, W.S. LESAN, AND THE CHATTOOGA RIVER WATERSHED COALITION" in the above captioned proceeding have been served on the following by electronic mail, with conforming copies deposited in Nuclear Regulatory Commission internal mail system, or as indicated by an asterisk, by e-mail with conforming copies deposited in United States mail, first class, or as indicated by a double asterisk by deposit in NRC internal mail system or as indicated by triple asterisk by deposit in the United States mail, first class, this 9th day of October, 1998.

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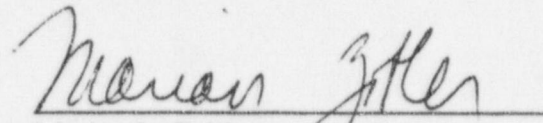
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