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USNRC

October 9, 1986

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'86 OCT 10 P2:59

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
PACIFIC GAS AND ELECTRIC	)	Docket No. 50-133 OLA
COMPANY	)	
	)	(Decommissioning)
(Humboldt Bay Power Plant	)	
Unit No. 3)	)	

NRC STAFF RESPONSE TO THE LEAGUE OF  
WOMEN VOTERS LATE-FILED REQUEST FOR  
HEARING AND PETITION FOR LEAVE TO  
INTERVENE REGARDING AMENDMENT TO  
DECOMMISSION FACILITY

I. INTRODUCTION

Pacific Gas and Electric Company is licensed to possess but not operate Humboldt Bay Power Plant, Unit No. 3, a 65-MWe boiling water reactor located in the city of Eureka, Humboldt County, California. <sup>1/</sup> On July 3, 1986, pursuant to 10 C.F.R. § 2.104, the NRC published in the Federal Register a notice of consideration of the issuance of an amendment to the facility license and offered the opportunity for hearing on the

<sup>1/</sup> The Humboldt Bay plant operated from August 1963 until July 1976, when the plant remained in cold shutdown as a result of a May 21, 1976 "Order for Modification of License." That order added a provision to the license which required the satisfactory completion of a seismic design upgrading program and resolution of certain seismic and geologic concerns prior to power operation following the 1976 refueling outage. Fuel was removed from the reactor during January and February 1984, and an amendment was issued on July 16, 1985 which modified the Humboldt Bay operating license to a "possession only" license to reflect the plant's "possess-but-not-operate" status.

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amendment. 51 Fed. Reg. 24458. The amendment is related to decommissioning the facility and specifically would: 1) delete license conditions related to seismic investigation, analysis and modification; 2) approve the Licensee's decommissioning plan for 30 years of onsite storage of residual radioactivity (SAFSTOR); 3) revise the technical specifications to reflect the permanent shutdown and "possess-but-not-operate" status of the facility and to reflect the SAFSTOR status; and 4) extend the term of License No. DPR-7 for an additional 15 years from November 9, 2000 to November 9, 2015 to be consistent with the 30 year safe storage plan. The notice established August 4, 1986 as the deadline for filing a request for hearing and petition for leave to intervene.

On September 19, 1986, more than six weeks after the filing deadline, the League of Women Voters of Humboldt County (League) and Gaye M. Barr (Petitioners), a board member of the League and allegedly the person expressly authorized to represent the League in this license proceeding, filed a late request for hearing and petition for leave to intervene (Petition).

For the reasons set forth below, the Staff is of the view that while Petitioners may have standing to intervene and have sufficiently identified at least one aspect of the proceeding as to which intervention would be proper, they do not prevail on the five-factor test for late intervention set forth in 10 C.F.R. § 2.714(a)(1).

## II. DISCUSSION

### A. Standards for Late Intervention

A late intervention petitioner must address the five factors specified in 10 C.F.R. § 2.714(a) and "affirmatively demonstrate that on balance, they favor his tardy admission into the proceeding." Duke Power Co. (Perkins Nuclear Station, Units 1, 2, and 3), ALAB-615, 12 NRC 350, 352 (1980); see Nuclear Fuel Services, Inc. (West Valley Reprocessing Plant), CLI-75-4, 1 NRC 273, 275 (1975). These factors are:

- (i) Good cause, if any, for failure to file on time.
- (ii) The availability of other means whereby the petitioner's interest will be protected.
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (iv) The extent to which the petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

The Commission has emphasized that licensing boards are expected to demand compliance with the lateness requirements of 10 C.F.R. § 2.714. See Pacific Gas & Electric Co. (Diablo Canyon, Units 1 and 2), CLI-81-5, 13 NRC 361, 364 (1981). The burden is on the petitioner to demonstrate that a balancing of these five factors is in its favor.

The first factor in 10 C.F.R. § 2.714(a)(1) is whether there is good cause for the filing delay. Where no good excuse is tendered for the lateness of a petition, a petitioner's demonstration on the other factors must be particularly strong. Perkins, ALAB-431, 6 NRC 460, 462 (1977). Petitioners assert that their delay in filing the instant petition was because Petitioner Gaye M. Barr, a League board member, "had not yet



received authorization from the League" to file. Petition at 7. This colorable claim of good cause is not persuasive. For example, Ms. Barr could have filed a timely intervention without the League and sought permission from the Board to annex the League to her petition when she received authorization to file on the League's behalf.

In any event, the Petition does not provide any justification for the League's delay in reaching their decision to pursue litigation. The League should have been well aware of the amendment application as early as December 4, 1984, the date the environmental scoping meeting was held by the NRC Staff. The League was certainly aware of the pending application when, in a letter dated June 12, 1986 and signed by Ms. Barr, it requested that "a public comment hearing" be held on the Staff's Draft Environmental Statement for Decommissioning Humboldt Bay Power Plant, Unit No. 3, NUREG-1166, dated April 1986 (DES). Finally, the League received direct notice from the NRC Staff that the League could petition for leave to intervene in a formal adjudicatory hearing. Letter from H. Berkow, NRC, to G. Barr, League of Women Voters of Humboldt County, dated July 1, 1986 (attached). Among the enclosures was the notice of opportunity for hearing to be published in the Federal Register. Petitioners have not shown why, having received a copy of the Federal Register notice well before the August 4, 1984 filing deadline, they were unable to file on time. Since Petitioners have not demonstrated good cause for their filing delay, this factor weighs against Petitioners.

The second factor to be considered under § 2.714(a) is whether other means are available to protect a petitioner's interest. Although Petitioners make no showing on this point, this factor weighs in favor of the



granting of the Petition because there may be no means other than participating in the NRC license amendment proceeding for the Humboldt Bay plant which would enable Petitioners to pursue their challenges to the adequacy of the DES and SAFSTOR proposal. As to the fourth factor (the extent to which petitioner's interest will be represented by existing parties), there is no other party currently admitted to the proceeding which could adequately represent their interests. However, Redwood Alliance, et al., which filed a timely petition to intervene and whose intervention the Staff does not oppose, could directly represent the interest of the instant Petitioners if their petition is granted since the instant Petitioners have identified aspects which are almost identical to those raised by the Redwood Alliance, et al., in their pending intervention petition. In the absence of any showing on the fourth factor, and the possible confluence of interest of the Petitioners and the Redwood Alliance, et al., the fourth factor, at best, weighs only weakly in Petitioners' favor. Thus, the second factor and, to a lesser extent, the fourth factor, weigh in Petitioners' favor. <sup>2/</sup>

The third factor (which Petitioners also do not address), the extent to which a petitioner can assist in developing a sound record, also weighs against permitting late intervention. A petitioner must affirmatively

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<sup>2/</sup> However, the Appeal Board has observed that the availability of other means whereby a petitioner can protect its interest and the extent to which other parties will represent that interest are properly accorded relatively less weight than the other three factors in Section 2.714(a). South Carolina Electric & Gas Co. (Virgil C. Summer Nuclear Station, Unit 1), ALAB-642, 13 NRC 881, 895 (1981). In fact, it is "most difficult to envisage a situation in which [these two factors] might serve to justify granting intervention" to one who fails to make an affirmative showing on the other three factors. Id.

demonstrate that it has special expertise which would aid in the development of a sound record to prevail on this factor. See Summer, 13 NRC at 892-93; Cincinnati Gas & Electric Co. (William H. Zimmer Nuclear Station), LBP-80-14, 11 NRC 570, 576 (1980). When a petitioner addresses this factor "it should set out with as much particularity as possible the precise issues it plans to cover, identify its prospective witnesses, and summarize their proposed testimony. Vague assertions regarding petitioner's ability . . . are insufficient." Mississippi Power & Light Co. (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-704, 16 NRC 1725, 1730 (1982). Since Petitioners have made no showing in this regard, this factor weighs against them.

Finally, the fifth factor, the extent to which a petitioner's participation will broaden the issues or delay the proceeding, also weighs against the Petitioners. The delay which can be attributed directly to the tardiness of the petition is to be taken into account in applying this factor. West Valley, CLI-75-4, 1 NRC at 276; Long Island Lighting Co. (Jamesport, Units 1 and 2), ALAB-292, 2 NRC 631, 650 & n.25 (1975). Petitioners assert that their admission would not be prejudicial because they only seek "to join the proceedings that are presently under way." Petition at 7. At present, however, there is no guarantee that this proceeding will continue since, to date, no petitioners have been admitted as parties to the proceeding. Thus, on the one hand, it is clear that participation by Petitioners could both broaden the issues and delay the proceeding because, in an operating license amendment proceeding where a hearing is not mandatory and a hearing would not otherwise be held without Petitioners' intervention, there would be no issues for the

Licensing Board to decide. On the other hand, if the intervention petition filed by Redwood Alliance, et al., is granted at some future time, the delay attributable to Petitioners' late intervention will not be lengthy and the issues they raise may not be much broader than those contentions proffered by the Redwood Alliance, et al., since they have identified aspects almost identical to those stated earlier by the other petitioners. Therefore, the Staff believes that while this factor presently weighs against Petitioners, it should not be accorded much weight since the proceeding is in its early stages.

In sum, the first, third and, to a lesser extent, the fifth factors weigh against Petitioners. While there may not be any other forum (second factor) or party (fourth factor) which might afford protection to Petitioners' interest, these factors are accorded relatively less weight than the others. On balance, the factors to be considered under 10 C.F.R § 2.714 weigh against granting late intervention.

If the Board finds Petitioners satisfy the test for late intervention, the Staff provides in the following sections its views on whether the Petitioners have standing and have identified aspects within the scope of the proceeding.

## B. Interest and Standing

### 1. Statutory and Regulatory Requirements

Section 189a of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2239(a), provides, in pertinent part:

In any proceeding under [the] Act, for the granting, suspending, revoking, or amending of any license or construction permit ... the Commission shall grant a hearing upon the request of any person whose interest may be affected by the



proceeding, and shall admit any such person as a party to such proceeding.

Section 2.714(a) of the Commission's Rules of Practice provides that "[a]ny person whose interest may be affected by a proceeding and who desires to participate as a party shall file a written petition for leave to intervene." <sup>3/</sup> Thus the pertinent inquiry under Section 189a of the Act and 10 C.F.R. § 2.714(a) of the regulations is whether Petitioners have alleged an interest which may be affected by the operating license amendment proceeding. The Commission has held that contemporaneous judicial concepts of standing are controlling in the determination of whether the interest required by both Section 189a of the Atomic Energy Act and section 2.714 of the NRC's Rules of Practice is present. Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610, 613-14 (1976). There must be a showing that (1) the action being challenged could cause "injury-in-fact" to the person seeking to intervene <sup>4/</sup> and that (2) such injury is arguably within the "zone of interests" protected by the Atomic Energy Act or the National

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<sup>3/</sup> A petitioner's showing of interest should address the factors set forth in 10 C.F.R. §2.714(d).

<sup>4/</sup> "Abstract concerns" or "mere academic interest" in the matter which are not accompanied by some real impact on a petitioner will not confer standing. In re Ten Applications for Low-Enriched Uranium Exports to EURATOM Member Nations, CLI-77-24, 6 NRC 525, 531 (1977); Pebble Springs, CLI-76-27, *supra*, at 613. Rather, the asserted harm must have some particular effect on a petitioner, Ten Applications, CLI-77-24, *supra*, and a petitioner must have some direct stake in the outcome of the proceeding. See Allied-General Nuclear Services (Barnwell Fuel Receiving and Storage Station), ALAB-328, 3 NRC 420, 422 (1976).

Environmental Policy Act. <sup>5/</sup> Id. See Warth v. Seldin, 422 U.S. 490 (1975); Sierra Club v. Morton, 405 U.S. 727 (1972). Thus a petitioner must "set forth with particularity" its interest in the proceeding and how that interest may be affected by the outcome of the proceeding. 10 C.F.R. § 2.714(a)(2).

1. Rules of General Applicability to Organizations and Individuals

An organization may establish standing based upon an injury to itself or through members of the organization who have interests which may be affected by the outcome of the proceeding. Edlow International Co., CLI-76-6, 3 NRC 563, 572-74 (1976); Public Service Co. of Indiana, Inc. (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-322, 3 NRC 328, 330 (1976). <sup>6/</sup> When an organization claims standing based on the interests of its members, at least one of its members must have standing in his or her own right, the organization must identify (by name and address) specific individual members whose interests may be affected, and the organization must demonstrate that such members have authorized the organization to represent their interest in the proceeding. Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 393-97 (1979); Public Service Electric & Gas Co. (Salem Nuclear Generating Station, Units 1 and 2), ALAB-136, 6 AEC 487, 488-89 (1973). Absent express authorization, groups may not

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<sup>5/</sup> 42 U.S.C. § 4321 et seq.

<sup>6/</sup> A petitioner must particularize a specific injury that it or its members would or might sustain should it be denied relief. The test is whether a "cognizable interest of the petitioner might be adversely affected if the proceeding has one outcome or another." Marble Hill, CLI-80-10, 11 NRC 436, 439 (1980).

represent other than their own members, and individuals may not assert the interest of other persons. See Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit No. 2), ALAB-470, 7 NRC 473, 474-75 n.1 (1978); Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1421 (1977).

Generally, the close proximity of a petitioner's residence is presumed sufficient to satisfy the interest requirements of 10 C.F.R. § 2.714. Armed Forces Radiobiology Research Institute (Cobalt-60 Storage Facility), ALAB-682, 16 NRC 150, 153 (1982); Allens Creek, supra, 9 NRC at 393, citing, Virginia Electric & Power Co. (North Anna Nuclear Power Station, Units 1 and 2), ALAB-522, 9 NRC 54, 56 (1979). <sup>7/</sup> Nevertheless since there is no presumption that every individual who lives near the plant will consider himself potentially harmed by the outcome of a proceeding, it is important that the nature of the invasion of an individual's personal interest be identified. Allens Creek, supra, 9 NRC at 383. Accordingly, it has been found that persons who live near the

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<sup>7/</sup> In the past, residential distances of up to 50 miles have been found to be not so great as to necessarily preclude a finding of standing in reactor licensing proceedings. See, e.g., Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1421 at n.4 (1977); Portland General Electric Co. (Trojan Nuclear Plant), ALAB-496, 8 NRC 308 (1978) (40 miles); North Anna, ALAB-146, 6 AEC 631, 633-34 (1973) (residency within 30-40 miles sufficient to show interest in raising safety questions). However, in recent years, boards have considered the nature of the proceeding and applied a geographic proximity test to petitioners in license amendment proceedings which is stricter than that applied in construction permit or operating license proceedings. E.g., Boston Edison Co. (Pilgrim Nuclear Power Station), LBP-85-24, 22 NRC 97, 98-99, aff'd on other grounds, ALAB-816, 22 NRC 461 (1985) (petitioner failed to demonstrate that the risk of storage with the revised K-effective for the spent fuel pool extended that distance).



site have standing to intervene if they allege a potential for injury from operation of the facility. Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear-1), LBP-80-22, 12 NRC 191, 195-96 (1980), affirmed, ALAB-619, 12 NRC 558, 564-65 (1980).

2. Interest and Standing of Petitioners in This Proceeding

The Humboldt Bay Power Plant is located 4 miles southwest of the city of Eureka, Humboldt County, California. DES at 2-1. Thus, those petitioners who reside near the facility and allege potential injury from the proposed amendment can establish standing to intervene.

In the Petition, it is alleged that the League is a nonpartisan political organization and non-profit corporation which has "a membership of 140 persons who reside in the Eureka-Arcata area within close proximity to the Humboldt Bay Power Plant . . . ." Petition at 3-4. The Petition does not state where the League's office is located, but does state that Gaye Barr, a board member of the League, resides within five miles of the facility. Petition at 4. The Petition further states that Ms. Barr and other League members are concerned about the possible health and environmental impacts the SAFSTOR plan will have on League members. Petition at 4-5.

The Petition sufficiently demonstrates that Ms. Barr has standing in her own right since she resides in close proximity to the plant and alleges potential injury from the proposed amendment. The Staff is of the view that the League also has established derivative standing through the interest of its member, Ms. Barr. Therefore the Staff does not oppose the Petitioners' intervention based on their standing.

C. Specific Aspects of the Subject Matter of This Proceeding

In addition to satisfying the standing and interest requirements of 10 C.F.R. § 2.714, a petitioner must also "set forth with particularity . . . the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene." 10 C.F.R. § 2.714(a)(2). <sup>8/</sup>

Petitioners are not required to submit contentions until they supplement their petition pursuant to section 2.714(b). In Section III of the Petition, Petitioners list nine "contentions" which set forth their "concerns about the adequacy of the DEIS and the proposal to SAFSTOR the facility." Petition at 5-6. <sup>9/</sup> These concerns set forth issues which

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<sup>8/</sup> An "aspect" is generally considered to be broader than a "contention," but narrower than a general reference to the NRC's operating statutes. Consumers Power Co. (Midland Plants, Units 1 and 2), LBP-78-27, 8 NRC 275, 278 (1978).

<sup>9/</sup> The "concerns" listed by Petitioners are (Petition at 11-13):

1. There is little discussion or analysis of the impact on the local environment and biota of the proposed activities;
2. There is inadequate discussion and analysis of the storage of spent fuel rods in a spent fuel pool which is already plagued by leakage;
3. There is inadequate treatment of the seismic hazards to the site;
4. There is no discussion of evacuation plans to be implemented in the event of a worst case type of accident;
5. Viable alternatives such as shipping spent fuel to locations other than Diablo Canyon were not discussed;

generally relate to the Staff's environmental and safety review of the SAFSTOR plan. Thus, the "contentions" sufficiently identify aspects which are within the scope of the amendment proceeding and are sufficient to put the parties on notice as to the subject matter of actual contentions. 10/

### III. CONCLUSION

While Petitioners have satisfied the standing and interest requirements for intervention and have identified specific aspects within

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(FOOTNOTE CONTINUED FROM PREVIOUS PAGE)

6. The DES fails to address at all the option of SAFSTOR of the fuel only until such time as a federal repository is open with immediate dismantlement following thereafter;
7. The DES fails to address the maximum credible flood at the site and its impact on the local environment and biota. Instead, the DES only appears to address itself to the average yearly rainfall and average water levels at the plant;
8. The DES fails to address at all the impact of a tsunami and since Eureka had a tsunami alert less than two months ago, it seems that it is something that should be addressed in the DEIS;
9. The DEIS fails to address the impact on the stored fuel rods in the spent fuel pool if the pool was emptied of water by a major earthquake while at the same time the fuel was damaged by falling debris.

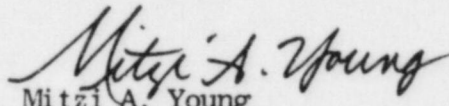
10/ Petitioners also request (Petition at 8) that the Commission award "participation fees, costs and expenses" to Petitioners. The Commission has ruled that, in light of a provision in the NRC's Appropriations Act, the NRC lacks a source of funds for payments of awards for attorney fees and costs to intervenors in NRC proceedings. Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1) (August 4, 1986) (unpublished), citing Business and Professional

(FOOTNOTE CONTINUED ON NEXT PAGE)



the scope of the proceeding, Petitioners have not shown that a balancing of five-factor test for late intervention warrants the granting of its Petition. Accordingly, the Petition should be denied.

Respectfully submitted,

  
Mitzi A. Young  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 9th day of October, 1986

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(FOOTNOTE CONTINUED FROM PREVIOUS PAGE)

People for the Public Interest v. Nuclear Regulatory Commission, No. 85-1441 (D.C. Cir. June 27, 1986). In addition, Petitioners' request for such an award is premature at this time. For these reasons, their request for fees and expenses should be denied.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

July 1, 1986

Docket No. 50-133

Ms. Gaye M. Barr, Natural Resources  
League of Women Voters  
of Humboldt County  
1217 Searles St.  
Eureka, California 95501

Dear Ms. Barr:

By letter dated June 12, 1986, to Mr. Erickson of my staff, you requested a public comment hearing in Eureka, California on the Decommissioning of the Humboldt Bay Nuclear Plant, Unit No. 3.

As you may know, the NRC recently published the Draft Environmental Statement (DES) on the proposed decommissioning of the Humboldt Bay Plant (Enclosure 1). The comment period on the DES has been extended for 60 additional days as stated in our notice in the Federal Register (Enclosure 2).

With respect to your request for a comment hearing, however, the Nuclear Regulatory Commission will not be scheduling a hearing (i.e., public meeting) for the public to comment on the DES on the Humboldt Bay Plant decommissioning. As you may know, however, we did have a public scoping meeting in Eureka, California, on December 4, 1984 to help establish the scope of the DES. We considered comments given by the public at the meeting in our preparation of the DES.

Under 10 CFR Sections 51.73 and 51.74 of the Commission's regulations, DESs are distributed to various Federal, state and local agencies and other interested organizations and individuals and a minimum public comment period of 45 days is provided. Pursuant to 10 CFR Section 51.91, the Final Environmental Statement on the the Humboldt Bay Plant decommissioning will include the comments on the DES and responses to the comments.

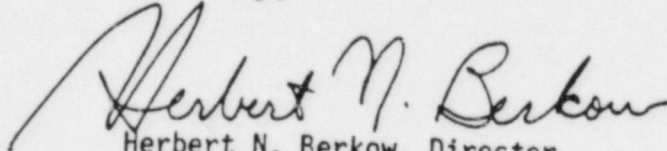
The public may also participate in the Commission's consideration of the proposed Decommissioning Plan by filing a petition for leave to intervene before a panel of three administrative law judges. We have now published a notice in the Federal Register (Enclosure 3) that describes how interested persons may gain admission as parties to any adjudicatory proceeding that may be held on the proposed plan in accordance with 10 CFR Section 2.714 of the Commission's Rules of Practice. Parties to the proceeding may litigate specific concerns or "contentions" that meet certain basis and specificity requirements.

Ms. Gaye M. Barr

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In addition, pursuant to 10 CFR Section 2.715, the presiding officer of the proceeding traditionally permits persons who are not parties to the proceeding to make limited appearances and to provide oral or written statements on the issues at the hearing within the limitations as may be fixed by the presiding officer. Please refer to the enclosed copy of 10 CFR Sections 2.714 and 2.715 for further details on party and nonparty participation (Enclosure 4).

Sincerely,

A handwritten signature in dark ink, reading "Herbert N. Berkow". The signature is fluid and cursive, with the first name "Herbert" being more prominent and the last name "Berkow" following in a similar style.

Herbert N. Berkow, Director  
Standardization and Special  
Projects Directorate  
Division of PWR Licensing-B

Enclosures:  
As stated





# League of Women Voters of Humboldt County

June 12, 1986

Peter Erikson  
Project Manager  
Standardization and Special Project Director  
US Nuclear Regulatory Commission  
Washington, DC 20555

RE: Decommissioning Humboldt Bay Nuclear Plant

Dear Mr Erikson:

The League of Women Voters of Humboldt County request that a public comment hearing be held in Eureka regarding the decommissioning of the Humboldt Bay Nuclear Plant. Since there is a lot of interest, locally, in the process of decommissioning the nuclear plant, we feel that a public comment hearing would be the only fair thing to do for the people of Humboldt County.

Thank you for your attention to this matter.

Sincerely yours,

Carol Masterson  
President, LWVHC

Gaye M. Barr, Natural Resources

*Gaye Barr*

1217 Searles St.  
Eureka, Ca 95501

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	
	)	
PACIFIC GAS AND ELECTRIC	)	Docket No. 50-133 OLA
COMPANY	)	
	)	(Decommissioning)
(Humboldt Bay Power Plant	)	
Unit No. 3)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO THE LEAGUE OF WOMEN VOTERS LATE-FILED REQUEST FOR HEARING AND PETITION FOR LEAVE TO INTERVENE REGARDING AMENDMENT TO DECOMMISSION FACILITY" 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, by deposit in the U.S. Nuclear Regulatory Commission's internal mail system, this 9th day of October, 1986:

\*Dr. Robert M. Lazo, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

\*Dr. Peter A. Morris  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

\*Dr. James H. Carpenter  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

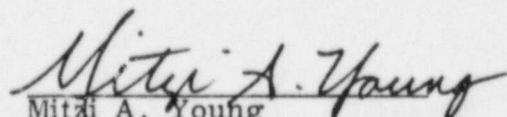
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Mitzi A. Young  
Counsel for NRC Staff