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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY
AND LICENSING BOARD

In the Matter of)
)
WASHINGTON PUBLIC POWER)
SUPPLY SYSTEM) Docket No. 50-460-OL
)
(WPPSS Nuclear Project No. 1))

APPLICANT'S MEMORANDUM REGARDING
PETITIONER'S STANDING TO INTERVENE

On April 26, 1983, the Licensing Board in the captioned proceeding issued a Memorandum and Order in which it ruled that petitioner had until May 6, 1983 to disclose the name and address of at least one of the individuals not identified on the record upon whom petitioner purportedly based its representational standing to intervene. Disclosure was to be made pursuant to a Protective Order issued by the Board on March 15, 1983, which provided that unless petitioner disclosed the identities of the individuals referred to but not identified in its September 11, 1982 request for hearing and petition to intervene, petitioner would be foreclosed from relying on those individuals to establish representational standing.

Petitioner did not file any response to the Protective Order. As provided for in the April 26 Memorandum and Order, the Washington Public Power Supply System

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(Applicant) hereby submits its views on the question of petitioner's standing to intervene in this proceeding in light of the failure of petitioner to respond to the Protective Order.

As a result of petitioner's failure to respond to the Protective Order, its standing to intervene in this proceeding may not be based on the undisclosed individuals to whom petitioner referred in its September 11, 1982 request for hearing and petition to intervene. The March 15 Memorandum and Order provides in this regard that if petitioner fails to comply with the terms and conditions of the Protective Order by disclosing the identity of those individuals, petitioner "shall be foreclosed from relying on any individuals referred to in its request for hearing and petition for leave to intervene and not identified on the public record to establish its representational standing to participate in this proceeding."¹

In view of the foregoing, it is now clear that if petitioner has any representational standing to intervene in this proceeding, its standing must rest solely on the interests of Larry Caldwell, the only member of petitioner that the record reflects authorized it to represent his interests in this proceeding. However, that individual

¹ Washington Public Power Supply System (WPPSS Nuclear Project No. 1), Memorandum and Order (Reciting Actions Taken at Special Prehearing Conference and Issuing Protective Order), ASLBP No. 82-479-06 OL, March 15, 1983 slip op. at 18-19.

joined petitioner and granted such authorization well after the September 15, 1982 deadline, by which time requests for hearings and petitions to intervene were to be filed. It was for this reason that Applicant argued in its February 23, 1983 "Response In Opposition to 'Coalition for Safe Power Five-Factor Test on Intervention -- February 11, 1983'" that the petition to intervene should be rejected because it was untimely and because petitioner failed to satisfy the requirements of 10 C.F.R. Sections 2.714(a)(1)(i)-(v). The Board has noted its receipt of this pleading and therefore Applicant does not intend to rehearse the legal arguments set forth therein.²

The Board has already ruled that the Rosolie and Caldwell affidavits are insufficient to demonstrate standing in this proceeding.³ However, Applicant understands that the Board has yet to rule on whether petitioner satisfied the five-factor test governing untimely intervention petitions, which is now clearly applicable in the instant case, but that it will do so shortly.⁴ Accordingly, Applicant hereby reaffirms the arguments set forth

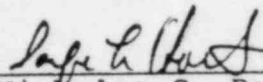
² Id. at 14.

³ Id. at 8.

⁴ Id. at 14-15.

in its February 23, 1983 Response and urges that the untimely petition to intervene be denied and this proceeding dismissed.

Respectfully submitted,


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May 20, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicant's Memorandum Regarding Petitioner's Standing to Intervene" in the captioned matter were served upon the following persons by deposit in the United States mail, first class, postage prepaid this 20th day of May, 1983:

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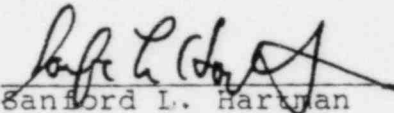
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