

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of
HOUSTON LIGHTING AND POWER
COMPANY
(Allens Creek Nuclear Generating
Station, Unit 1

Docket No. 50-466 CP

ORDER

In an undated submission served on May 24, 1979, Mr. Jonathan Howard Kamras petitioned for leave to intervene. On May 31 and June 8, 1979, the NRC Staff and the Applicant respectively filed Responses in opposition thereto.

Mr. Kamras asserts that he has standing to intervene because he lives within forty to fifty miles from the proposed site and sets forth four contentions.^{1/}

The instant petition for leave to intervene is denied.

In the first place, the petition is untimely filed since it was submitted seven months after the deadline set forth in this Board's "Corrected Notice of Intervention Procedures" (43 Federal Register 40328, September 11, 1978). The petition fails to discuss any of the five factors set forth in 10 C.F.R. 2.714(a)(1)(i)-(v) which govern non-timely filing of petitions.

^{1/} Mr. Kamras elected to include in his petition a list of four contentions.

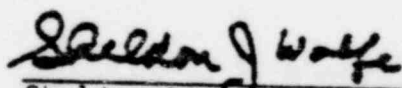
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Second, even assuming that the petition had been timely filed and assuming, without deciding, that standing has been established, none of petitioner's contentions is admissible as an issue in controversy. In Contentions 1 and 2, Mr. Kamras asserts that higher rates occasioned by the proposed facility would prevent him from improving his immediate environment and would prevent his landlord from improving petitioner's rented house. Contentions based upon the economic interest of a ratepayer are not cognizable in our proceedings. Cf. Kansas Gas and Electric Co., et. al. (Wolf Creek Generating Station, Unit No. 1), ALAB-424, 6 NRC 122, 128 n. 7 (1977); Detroit Edison Company (Greenwood Energy Center, Units 2 and 3), ALAB-376, 5 NRC 426, 428 (1977). In Contention 3, petitioner asserts that the proposed plant will emit four times the amount of radiation of any other commercial reactor in the United States, causing a tremendous increase in radiation related diseases. Contrary to the requirements of § 2.714(b) of our Rules of Practice, the petitioner has failed to set forth the bases for this contention with reasonable specificity. In Contention 4, Mr. Kamras alleges that potential employers will be driven away from Houston because of the increased cost of electricity, the emission problems, difficulties with on-site spent fuel storage, and because of future general problems with intermediate spent fuel storage in Texas. Again, petitioner fails to meet the requirements of § 2.714(b). Further, the contention is completely speculative.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Sheldon J. Wolfe, Esquire
Chairman

Dated at Bethesda, Maryland
this 20th day of June, 1979.

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UNITED STATES OF AMERICA
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

21st day of June 1979.

Regan T. Downing
Office of the Secretary of the Commission

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