September 22, 1981

Ms. Doris Falkenheiner, Director
Public Law Utilities Group
535 North 6th Street
Baton Rouge, Louisiana 70802

RECEIVED
SEP 3 0 1981
U.S. NUCLEAR REGULATORY
COMMISSION

Dear Ms. Falkenheiner:

Your letter dated September 8, 1981 addressed to the Chief Hearing Counsel has been referred to me for reply. Your letter referenced the Federal Register notice of September 4, 1981 (46 Fed. Reg. 44539) which states, in part, that Gulf States Utilities (GSU) has applied for an operating license for River Bend Station, Units 1 and 2. Your letter inquired, in view of GSU's past announcement of an indefinite deferral of construction regarding Unit 2, whether GSU had in fact applied for an operating license for Unit 2 or whether there was an error in the above-referenced notice.

GSU has applied for operating licenses for both Units. Accordingly, the Federal Register notice referenced in your letter is correct. However, an operating license for Unit 2 cannot be issued by this Commission until all the findings in 10 C.F.R. § 50.57 have been made by the Commission, including but not limited to the finding required by § 50.57(a)(1) that

> [c]onstruction of the facility has been substantially completed in conformity with the construction permit and the application as amended, the provisions of the [Atomic Energy] Act and the rules and regulations of the Commission [i.e. 10 C.F.R.]

If the deferred Unit 2 is eventually completed by GSU, and all applicable Commission regulations are satisfied, Unit 2 would be eligible to receive an operating license at a later time than Unit 1. If construction of Unit 2 is not completed then, of course, that Unit would not be eligible for an operating license.

Sincerely,

Bernard M. Bordenick, Attorney
Office of the Executive Legal Director

DS01
S 1/0

OFFICE▶	OELD	OELD	OELD				
SURNAME▶	BBordenick:sb	EReis	JScinto				
DATE▶	9/21/81	9/21/81	9/ /81				

NRC FORM 318 (10/80) NRCM 0240   OFFICIAL RECORD COPY   USGPO: 1980—329-824