

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

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In the Matter of)
)
Gulf States Utilities Company,)
 et al.)
)
(River Bend Station, Units 1)
 and 2))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket Nos. 50-458
50-459

APPLICANTS' ANSWER TO PETITION OF THE STATE OF
LOUISIANA FOR LEAVE TO INTERVENE

On September 4, 1981, the Nuclear Regulatory Commission ("Commission" or "NRC") published a notice in the Federal Register entitled "Gulf States Utilities Co. and Cajun Electric Power Cooperative (River Bend Station, Units 1 and 2), Receipt of Application for Facility Operating Licenses; Consideration of Issuance of Facility Operating Licenses; Availability of Applicants' Environmental Report; and Opportunity for Hearing" ("Notice"). ^{1/} In response to the Notice, a petition for intervention was filed by the State of Louisiana on October 5, 1981.

Under the Commission's Rules of Practice, a petition to intervene in a licensing proceeding may be granted only if the requirements of 10 C.F.R. §§2.714(a)(2) and (d) have been satisfied. In essence, the regulations require the

1/ 46 Fed. Reg. 44539 (September 4, 1981).

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petitioner to state his specific interest in the proceeding, explain how that interest may be affected by the outcome of the proceeding, and submit a statement of the specific aspect or aspects of the subject matter as to which he wishes to intervene.

Applicants, Gulf States Utilities Company and Cajun Electric Power Cooperative, do not dispute the general interest of the State in this proceeding. With regard to the specific "aspects" requirements of 10 C.F.R. §2.714, the State raises five matters. The first relates to "[t]he economic impact of the nuclear power generation within the State." This "aspect" is general, unfocused and beyond the jurisdiction of the Licensing Board to consider.^{2/} The remaining four items are verbatim from another petition for leave to intervene in the instant proceeding,^{3/} and for the reasons stated in

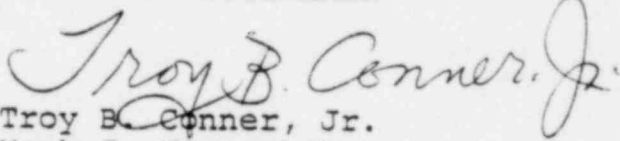
^{2/} The Appeal Board has held that licensing boards "are not authorized . . . to require an applicant to accept or reject an alternative solely on the basis of its economic costs" because this is a business judgment for the applicant. Illinois Power Company (Clinton Power Station, Unit Nos. 1 and 2), ALAB-340, 4 NRC 27, 48 (1976). See also Consumers Power Company (Midland Plant, Units 1 and 2), ALAB-458, 7 NRC 155 (1978); Portland General Electric Company (Trojan Nuclear Plant), ALAB-531, 9 NRC 263 (1979); Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-584, 11 NRC 451, 456 (1980).

^{3/} See Petition for Leave to Intervene in Facility Operating License Proceedings dated September 30, 1981, by Louisiana Consumers League, Inc. at 2.

"Applicants' Answer to Petitions of Louisianians for Safe Energy, Gretchen Rothschild, and Louisiana Consumers' League for Leave to Intervene," dated October 15, 1981 at 18-20, which is incorporated by reference herein, fail to establish compliance with the Commission's "specific aspect" requirement. The petition must therefore be denied.

Respectfully submitted,

CONNER & WETTERHAHN


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October 19, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
Gulf States Utilities Company,) Docket Nos. 50-458
 et al.) 50-459
)
(River Bend Station, Units 1)
 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Answer to Petition of the State of Louisiana for Leave to Intervene," dated October 19, 1981, in the captioned matter, have been served upon the following by deposit in the United States mail this 19th day of October, 1981:

Alan S. Rosenthal, Esq.
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

B. Paul Cotter, Jr. Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. J. Venn Leeds
Rice University
P.O. Box 1892
Houston, Texas 77001

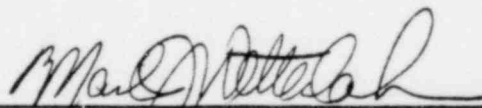
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and License Board 181-3021-202:18

In the Matter of)	OFFICE OF SECRETARY
)	DOCKETING & SERVICE
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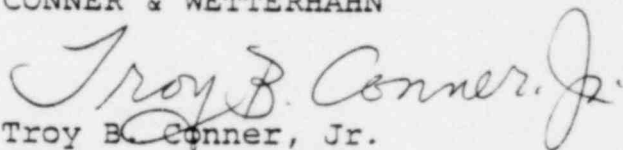
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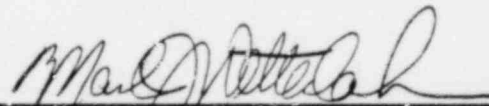
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