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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GULF STATES UTILITIES CO., et al.

Docket Nos.: 50-458 OL
50-459 OL

(River Bend Station, Units 1 & 2)

RESPONSE OF THE STATE OF LOUISIANA
TO PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
SUBMITTED BY APPLICANT AND NRC STAFF

The State of Louisiana responds as follows to the proposed findings of fact and conclusions of law submitted by applicant and NRC Staff, relative to Safety Contention No. 1 (Corbicula Fluminea) as set forth herein. Safety Contention No. 2. (Old River Control Structure) will be submitted to the Board by the parties as a stipulated settlement.

CONTENTION NO. 1 ASIATIC CLAMS (CORBICULA FLUMINEA)

Applicant's Proposed Findings of Fact

The State of Louisiana agrees with the following proposed findings of fact:

NOS. 1, 2, 4, 5, 7-9, 12-30, 32-35, 44-46, 48, 49, 52-54, 66-68, 74, 84, 89

The State of Louisiana does not have sufficient information upon which to either agree or disagree with the following proposed findings of fact:

NOS. 3, 6, 11, 31, 38, 39, 40, 58-63, 65, 78, 82, 90, 92-94

The State of Louisiana adopts the position of the NRC Staff as to the following proposed findings of fact:

NOS. 42, 47, 50, 51, 55-57, 64, 79, 85, 91

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The State of Louisiana agrees that the procedures outlined in the following proposed findings of fact are reasonable, but can not agree as to the results of these procedures at this time, being of the opinion that this will have to be evaluated based on data acquired through use:

NOS. 69-73, 75, 76, 77, 80, 81, 83, 86-88

The State of Louisiana disagrees with the following proposed findings of fact:

NOS.

10. Too general; no definition of "most".

34. Too general; no definition of "extremely low", where exactly the measurements were taken or when in the time frame stated.

36. Too general; which two years; define "quite low".

37. No longer factual; see applicant's most recent filing.

41. Statement is clearly argument, rather than fact; argument is based on speculation of facts not in evidence.

43. Statement overlooks the fact that there are young, but mature clams which could pass the screens; there is no evidence to show that the clarifiers would necessarily get them all.

PROPOSED CONCLUSIONS OF LAW

The State of Louisiana takes the following positions on the applicant's proposed Conclusions of Law:

1. The State of Louisiana agrees to the extent that, with the inclusion of appropriate technical specifications, the program for dealing with the clams is a reasonable approach.

2. & 3. There is not sufficient evidence before this Board at present to make a determination as whether a license to operate should be issued. By applicant's own calculations, the plant will not even be finished until April, 1985; NRC Staff evaluations put it a year or so later. Accordingly, such a determination, it is submitted, is premature.

NRC Staff Proposed Firdings of Fact

The State of Louisiana agrees with the following proposed findings of fact submitted by NRC Staff:

1-6, 8-10

The State of Louisiana is unable to agree, or disagree, with the following proposed findings of fact submitted by NRC Staff:

11. The State does not have sufficient facts upon which to conclude that the proposed level of chlorination will be adequate, or that some level to which the chlorination may be raised in the future will be.

15. The would agree that the Staff position, as set forth in 15., is a reasonable one; however, execution will determine its effectiveness. The State does agree with the proposition that adjustments will be necessary in the future, particularly when the resolution of Generic Issue #51 is reached.

The State of Louisiana disagrees with the following proposed finding of fact by NRC Staff:

7. More recent information has been filed by applicant, concerning the recent discovery of clam infestation at Big Cajun across the river from Riverbend; this information will, of course, have to be considered by the Board.

The State of Louisiana agrees that the following proposed "findings of fact" by NRC Staff reflect the applicant's proposal, but contend that the effectiveness of the solution is yet to be established.

12, 13, 13a., 14

Proposed Conclusions of Law

The State of Louisiana disagrees with the proposed conclusions of law by NRC Staff, NOS. A, B, C, & D.

Respectfully Submitted,
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Attorney General of Louisiana

By: J. David McNeill, III
Assistant Attorney General

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NUCLEAR RFGULATORY COMMISSION

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50-459

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the "Response of the State of Louisiana to Proposed Findings of Fact and Conclusions of Law Submitted by Applicant and NRC Staff", in the above captioned proceeding have been served on the following by deposit in the United States mail, first class, this 8th day of October, 1984:

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