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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

REGULATORY  
DOCKETING & SERVICE  
BRANCH

In the Matter of

GULF STATES UTILITIES CO.,  
et. al.

Docket Nos. 50-458  
50-459 / *OC*

(River Bend Station, Units 1 & 2)

---

RESPONSE OF JOINT INTERVENORS TO  
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW  
SUBMITTED BY APPLICANT AND NRC STAFF

---

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James W. Pierce  
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September 17, 1984

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50-459

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SUBMITTED BY APPLICANT AND NRC STAFF

---

The Joint Intervenor's respond as follows to the proposed findings of fact and conclusions of law submitted by applicants:

CONTENTION I: ASIATIC CLAMS

FINDINGS OF FACT

1.  
Admitted.
2.  
Admitted.
3.  
Admitted.
4.  
Admitted.
5.  
Admitted.

6.

1

Denied as the statement is not a fact.

7.

Admitted.

8.

Admitted.

9.

Admitted.

10.

Denied as the statement is not a fact.

11.

Admitted.

12.

Admitted.

13.

Admitted.

14.

Admitted.

15.

Admitted.

16.

Admitted.

17.

Admitted.

18.

Admitted.

19.

Admitted.

- 20.  
Admitted.
- 21.  
Admitted.
- 22.  
Admitted.
- 23.  
Admitted.
- 24.  
Admitted.
- 25.  
Admitted.
- 26.  
Admitted.
- 27.  
Admitted.
- 28.  
Admitted.
- 29.  
Admitted.
- 30.  
Admitted.
- 31.

Denied as the statement is too general and not subject to definition as to where this occurred.

- 32.  
Admitted.
- 33.

Admitted.

34.

Denied as it does not define "extremely low numbers".

35.

Admitted.

36.

Denied as it does not define "quite low", nor does it define the period in question.

37.

Admitted.

38.

Admitted.

39.

Denied as the statement is not a fact.

40.

Denied as the statement is not a fact.

41.

Denied as the statement is not a fact.

42.

Denied as the statement is not a fact.

43.

Denied as the statement is not a fact.

44.

Admitted.

45.

Admitted.

46.

Admitted.

47.

Denied as the statement is not a fact.

48.

Admitted.

49.

Admitted.

50.

Admitted.

51.

Denied as the statement is not a fact.

52.

Admitted.

53.

Admitted.

54.

Admitted.

55.

Admitted.

56.

Admitted.

57.

Admitted.

58.

Denied as the statement is not a fact.

59.

Admitted.

60.

Admitted. 61.  
Admitted. 62.  
Denied as the statement is not a fact. 63.  
Admitted. 64.  
Admitted. 65.  
Denied. 66.  
Admitted. 67.  
Admitted. 68.  
Admitted. 69.  
Admitted. 70.  
Admitted. 71.  
Admitted. 72.  
Admitted. 73.  
Admitted.



	74.
Admitted.	
	75.
Admitted.	
	76.
Admitted.	
	77.
Admitted.	
	78.
Denied.	
	79.
Admitted.	
	80.
Admitted.	
	81.
Admitted.	
	82.
Admitted.	
	83.
Admitted.	
	84.
Admitted.	
	85.
Admitted.	
	86.
Admitted.	
	87.
Admitted.	

	88.
Admitted.	
	89.
Admitted.	
	90.
Admitted.	
	91.
Admitted.	
	92.
Denied.	
	93.
Denied.	
	94.
Denied.	

Conclusions of Law

1.

Denied. Joint Intervenors suggest that conclusion of law number one be revised to read as follows: As proposed the programs of detection and prevention do not provide reasonable assurance that Gulf States Utilities will be effective in controlling biofouling problems by Corbicula.

2.

Denied. Joint Intervenors suggest that conclusion of law number 2 be revised to read as follows: The issuance of an operating license to the applicants for the plant as proposed will be inimical to the common defense and security and the health and safety of the public because it is likely that biofouling by Corbicula will impede the efficient operation of the plant.

3.

Denied. Joint Intervenors suggest that conclusion of law number 3 be revised to read as follows: Pursuant to 10 C.F.R. section 2.760a and 10 C.F.R. section 50.57, the Director of Nuclear Reactor Regulation should not be authorized to issue the applicants a license authorizing operation of River Bend Station.

CONTENTION 2: OLD RIVER CONTROL STRUCTURE

FINDINGS OF FACT

1.  
Admitted.
2.  
Admitted.
3.  
Admitted.
4.  
Admitted.
5.  
Admitted.
6.  
Admitted.
7.  
Admitted.
8.  
Admitted.
9.  
Admitted.
10.  
Admitted.
11.  
Admitted.
12.  
Admitted.
13.  
Admitted.

14.  
Admitted.

15.  
Admitted.

16.  
Admitted.

17.  
Admitted.

18.  
Admitted.

19.  
Denied as the statement is not a fact.

20.  
Denied as the statement is not a fact.

21.  
Admitted.

22.  
Admitted.

23.  
Admitted.

24.  
Admitted.

25.  
Admitted.

26.  
Admitted.

27.  
Admitted.

Admitted.

28.

Denied as the statement is not a fact.

29.

Denied as the statement is not a fact.

30.

Admitted.

31.

Denied as the statement is not a fact.

32.

Admitted.

33.

Admitted.

34.

Admitted.

35.

Admitted.

36.

Admitted.

37.

Admitted.

38.

Admitted.

39.

Admitted.

40.

Admitted.

41.

Admitted.	42.
Admitted.	43.
Admitted.	44.
Admitted.	45.
Admitted.	46.
Admitted.	47.
Admitted.	48.
Admitted.	49.
Denied as the statement is not a fact.	50.
Admitted.	51.
Admitted.	52.
Admitted.	53.
Admitted.	54.
Denied as the statement is not a fact.	

55.  
Denied.

56.  
Admitted.

57.  
Denied.

58.  
Denied.

59.  
Admitted.

60.  
Admitted.

61.  
Admitted.

62.  
Admitted.

63.  
Admitted.

64.  
Admitted.

65.

Denied as the statement does not constitute a fact that can be proved.

66.  
Denied as the statement is one of law, not of fact.

67.  
Denied as the statement is not a fact.

68.



Denied.

69.

Denied.

CONCLUSIONS OF LAW

1.  
Denied.
2.  
Denied.
3.  
Denied.
4.  
Denied.
5.  
Denied.

The Joint Intervenors respond as follows to the proposed findings of fact and conclusions of law submitted by NRC Staff:

FINDINGS OF FACT

1.  
Admitted.

2.  
Admitted.

CONTENTION 1: ASIATIC CLAMS

3.  
Admitted.

4.  
Admitted.

5.  
Admitted.

6.  
Admitted.

7.  
Admitted.

8.  
Admitted.

9.  
Admitted.

10.  
Admitted.

11.

Denied as the statement is not a fact.

12.

Admitted.

13.

Admitted.

14.

Admitted.

15.

Denied as the statement is not a fact within the knowledge  
of Joint Intervenors.

CONTENTION 2: OLD RIVER CONTROL STRUCTURE

16.

Admitted.

17.

Admitted.

18.

Admitted.

19.

Denied as the statement is not a fact.

20.

Admitted.

21.

Admitted.

22.

Admitted.

23.

Admitted.

24.

Admitted.

25.

Admitted.

26.

Admitted.

27.

Admitted.

28.

Admitted.

29.

Admitted.

30.

Denied.

31.

Admitted.

32.

Denied.

33.

Denied.

34.

Denied.

CONCLUSIONS OF LAW

A.

Denied.

B.

Denied.

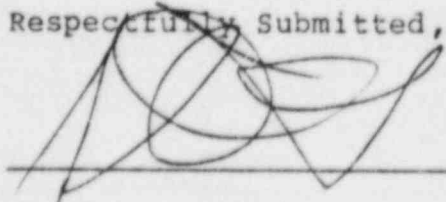
C.

Denied.

D.

Denied.

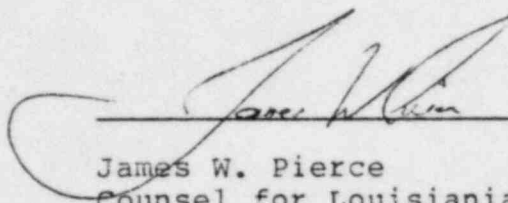
Respectfully Submitted,



---

Stephen M. Irving  
Counsel for Louisiana Consumers

League, Joint Intervenor



---

James W. Pierce  
Counsel for Louisianians for Safe  
Energy, Joint Intervenor

Dated at Baton Rouge, Louisiana, this 17th day of September,  
1984.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

04 SEP 20 AM 125

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE  
SECRETARY & CLERK  
BRANCH

In the Matter of  
GULF STATES UTILITIES CO.,  
ET AL

DOCKET NOS. 50-458;  
50-459

(River Bend Station, Units 1 & 2)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing "Response of Joint Intervenors to Proposed Findings of Fact and Conclusions of Law Submitted by Applicant and by NRC Staff" in the above captioned proceeding, have been served on the following, by deposit in the U.S. Mail, first class, postage prepaid, correctly addressed, to the last known address on this 17th day of September, 1984.

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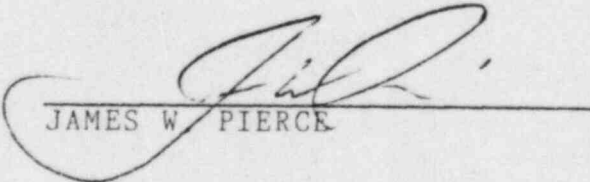
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