

BOOKED
USNRC

JUN 11 1979

Office of the Secretary
Declaring & Service
Section

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

APPLICANT'S RESPONSE TO PETITION
TO INTERVENE FILED BY JONATHAN KIMRAS

First, the petition is untimely, having been filed more than six months after the deadline in the Board's September 11, 1978 Notice of Corrected Intervention Procedures. Petitioner has made no attempt to justify his

1/ Applicant notes that NRC Staff counsel in a May 31, 1979 filing has requested the Board to seek clarification from two individuals - Mrs. Karen Stadel and Mr. Don D. Pittman - with respect to whether they wish to pursue full party status in this proceeding or simply wish to make limited appearances. Similar clarification might be sought from three other individuals - Mr. Larry Scott, Mrs. Robin Griffin and Mr. James R. Piepmeier - whose letters to the Board of May 4, May 3 and June 1, respectively, also request full party status, but do not meet the requirements of 10 CFR § 2.714.

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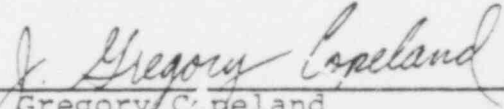
untimely petition by discussing the factors set forth in 10 CFR § 2.714(a)(1)(i-v). Second, Petitioner's interest in this proceeding appears to be that of a ratepayer which the Commission has held not to be within the zone of interests protected by the Atomic Energy Act or NEPA. Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610; Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2) ALAB-413, 5 NRC 631, 640 (1975). Finally, Petitioner Kamras' concerns listed in paragraphs 1-4 all appear to be economic concerns which are not cognizable by the Board in this proceeding. Pebble Springs, supra; Long Island Lighting Co. (Jamesport Nuclear Power Station, Units 1 and 2) ALAB-292, 2 NRC 631, 640 (1975); Chm. Rosenthal's opinion. For these reasons, the petition must be rejected.

Respectfully submitted,

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	\$	
	\$	
HOUSTON LIGHTING & POWER COMPANY	\$	Docket No. 50-466
	\$	
(Allens Creek Nuclear Generating	\$	
Station, Unit 1)	\$	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicant's Response to Petition to Intervene Filed by Jonathan Kamras in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 8th day of June, 1979.

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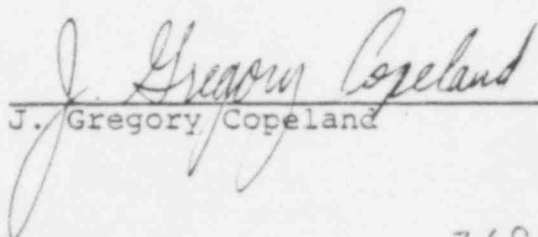
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