

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))	

APPLICANT'S RESPONSE TO
PETITION FOR LEAVE TO INTERVENE
BY ROBERT R. EDGAR

Applicant files this response to the petition for leave to intervene in this proceeding as filed by Robert R. Edgar.

Petitioner asserts that he lives 15-20 miles from the Allens Creek Nuclear Generating Station site, thereby inferring that he resides within the "geographic zone of interest."

The petition fails, however, for three reasons. First, the only aspect of proceeding in which petitioner expresses an interest is the disposal of radioactive wastes. That concern, even if stated with greater specificity and a supporting basis, is not an appropriate subject for litigation in this licensing proceeding. The environmental affects of the disposal of radioactive wastes are set forth in the Commission's regulations. 10 CFR §51.20(e) and Table S-3. Absent a showing of special

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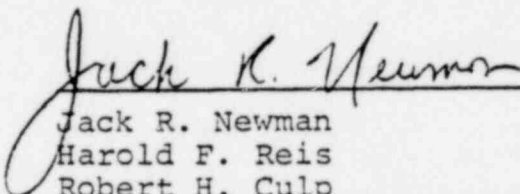
circumstances, those regulatory requirements cannot be challenged in this proceeding. 10 CFR §2.758. Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Unit 1), Order Ruling Upon Intervention Petitions, (February 9, 1979), p. 18.

Second, petitioner fails to respond to that portion of the "Supplementary Notice of Intervention Procedures" which requires that a petitioner "shall state that he failed to file a petition . . . pursuant to the Board's [earlier notices] because of restrictions on permissible contentions contained in those notices." Petitioner's response to this requirement is a statement to the effect that he did not know where the nuclear facility was located, "nor was I aware that I could petition this due to the lack of media on this matter." That representation, of course, does not begin to meet the requirements of the "Supplementary Notice of Intervention Procedures."

Finally, it appears that the petition is dated July 31, 1979. Accordingly, it is out of time and must be denied for failure to comply with the requirements for non-timely filings as set forth in 10 CFR §2.714(a)(i)-(v).

For the foregoing reasons, petition should be denied.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's foregoing letter to the members of the Atomic Safety and Licensing Board dated August 14, 1979, and Applicant's Responses to Petition for Leave to Intervene of Marlene R. Warner, PhD, Gertrude Barnstone and Robert R. Edgar, in the above captioned proceeding, were served on the following by deposit in the United States mail, postage prepaid, or by hand delivery this 14th of August, 1979:

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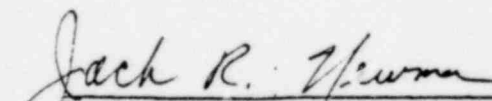
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