

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



APPLICANT'S ANSWER TO AMENDED PETITION
AND MOTION OF T. PAUL ROBBINS

Mr. Robbins' filing fails to cure, in any way, the defects noted by the NRC Staff and the Applicant in their respective responses to Mr. Robbins' initial petition. The essence of the Robbins' document remains the same as to the overall water supply in the State and the links in some unspecified way to the health of the State. The petition is defective in that it fails to show Mr. Robbins' personal interest is affected by the impact of ACNGS operation on water availability. The only particular allegation in support of the petition is that the ACNGS operation will result in the loss of water to the State.

1/ The handwritten pages complain of the time limit imposed by the Board and NRC regulations with respect to the filing of contentions. IS treated as a motion for an extension of time, the request should be denied because no good cause is shown for any further extension.

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use of water for ACNGS "will cause economic hardship to myself as a citizen of Central Texas, as well as general hardship to the overall state." In order to give credence to this type of argument one must assume that the operation of ACNGS would appreciably enhance any existent water shortage,^{2/} which would then cause an economic hardship to the State of Texas and Mr. Robbins in particular. This stacking of assumptions demonstrates that Mr. Robbins' assertions of injury are too speculative to be within the zone of interests arguably protected by NEPA. See, e.g. Exxon Nuclear Company, Inc. (Nuclear Fuel Recovery and Recycling Center), LBP-77-59, 6 NRC 518 (1977).

Additionally, Mr. Robbins' petition does not tie his alleged "economic interest" to any specific environmental harm beyond a very vague and generalized illusion to the "recreational benefits" of Texas' available water supply. Such an interest, which is purely economic and unrelated to specific environmental harm is not within the zone of interests protected by the Atomic Energy Act or NEPA. Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1421 (1977); Long Island Lighting Co., (Jamesport Nuclear Power Station, Units 1 and 2), ALAB-292, 2 NRC 631, 638-640 (1975).

As the NRC Staff pointed out in its answer to the initial petition, Mr. Robbins' filing:

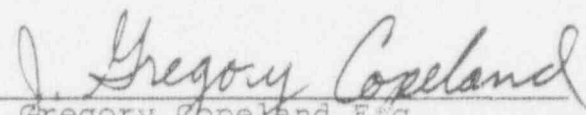
^{2/} The assumption is particularly difficult for Mr. Robbins since the Board previously concluded that the "consumptive use of water" was not a matter of "overriding importance" at the Allens Creek site. 2 NRC 776 at 793 (1975).

...can only be interpreted as an attempt to act as a private attorney general in order to protect the interests of the citizens of Texas. There is no provision in the Commission's regulations for parties to act in such capacity. Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LB-77-11, 5 NRC 481, 484 (1977).

The document dated August 28 does nothing to alter the thrust of Mr. Robbins' initial filing. He continues to seek to act as a "private attorney general" and should be denied status as a party-intervenor. To the extent that the interests of the State of Texas are affected by the proceeding, those interests are already represented by the Attorney General of Texas who will participate in this proceeding pursuant to 10 C.F.R. § 2.715. In this regard, the State of Texas has had ample opportunity to decide whether ACNGS would adversely impact the State's water resources. The fact is that the Texas Department of Water Resources, the agency responsible for the water resources of the State of Texas, has twice approved this project. (See ER Supplement, Appendix SI, p. SI-5).

For all of the foregoing reasons, Mr. Robbins' petition should be denied.

Respectfully submitted,


J. Gregory Copeland Esq.
Charles G. Thrash, Jr., Esq.
3000 One Shell Plaza
Houston, Texas 77002

Jack R. Newman, Esq.
Robert H. Culp, Esq.
1025 Connecticut Avenue, N. W.
Washington, D. C. 20036

Attorneys for Applicant
HOUSTON LIGHTING & POWER COMPANY

OF COUNSEL:

BAKER & BOTTS
3000 One Shell Plaza
Houston, Texas 77002

LOWENSTEIN, NEWMAN, REIS
& AXELRAD
1025 Connecticut Avenue, N. W.
Washington, D. C. 20036

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 Answer to Amended Petition and Motion of T. Paul Robbins in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 28th day of September, 1978.

Sheldon J. Wolfe, Esq., Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. E. Leonard Cheatum
Route 3, Box 350A
Watkinsville, Georgia 30677

Mr. Glenn O. Bright
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Chase R. Stephens
Docketing and Service Section
Office of the Secretary of the
Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

R. Gordon Gooch, Esq.
Baker & Botts
1701 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

Richard Lowerre, Esq.
Assistant Attorney General
for the State of Texas
P. O. Box 12548
Capitol Station
Austin, Texas 78711

Hon. Jerry Sliva, Mayor
City of Wallis, Texas 77485

Hon. J. Lee Dittert, Jr.
County Judge, Austin County
P. O. Box 99
Bellville, Texas 77481

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

Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory
Commission
Washington, D. C. 20555

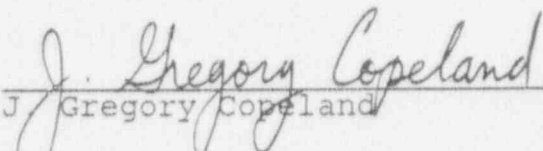
Steve Sohinki, Esq.
Staff Counsel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

T. Paul Robbins
c/o AFSC
600 West 28th Street, #102
Austin, Texas 78705

John F. Doherty
Armadillo Coalition of Texas
4438 1/2 Leeland
Houston, Texas 77023

Wayne E. Rentfro
P. O. Box 1335
Rosenberg, Texas 77471

James Scott, Jr.
8302 Albacore
Houston, Texas


J. Gregory Copeland
Attorney for
HOUSTON LIGHTING & POWER COMPANY