

10/04/79

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
HOUSTON LIGHTING & POWER COMPANY
(Allens Creek Nuclear Generating
Station, Unit 1)

}
Docket Nr. 50-466
}



NRC STAFF'S RESPONSE TO PETITION FOR
LEAVE TO INTERVENE FILED BY JUDITH DURKIN

The NRC Staff is in receipt of an undated letter (postmarked September 12, 1979) signed by Judith Durkin requesting that she be made a "complete and full party" to the captioned proceeding. She states that her "contentions will follow." The Staff opposes Ms. Durkin's petition and urges that it be denied.

This Board's "Supplemental notice of Intervention Procedures," dated June 18, 1979 (44 Fed. Reg. 35062) established July 18, 1979 as the deadline for the filing of petitions for leave to intervene. The notice made clear that petitions filed subsequent to that date would be considered untimely and could be granted only upon a favorable balancing of the five factors set forth in 10 CFR §2.714(a). Further, the notice stated that all persons filing petitions were required to state that they had failed to file under previous notices allowing intervention because of the restrictions contained in those prior notices. Most basically, the June 18, 1979 Federal Register notice required all those filing petitions to state an "interest which may be affected by the proceeding" as mandated by 10 CFR §2.714.

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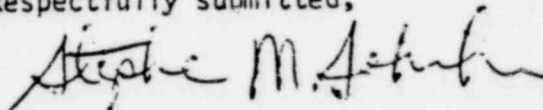
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Ms. Durkin fails to establish her geographical proximity to the proposed site or to state any other information which suggests that she has established the requisite interest in this proceeding. Secondly, she has failed to establish that she had failed to file a petition previously due to restrictions in prior notices. Thirdly, she has failed to address any of the five factors set forth in 10 CFR §2.714(a) in order to justify her late filing. Lastly, she has failed to file any contentions whatever, let alone by the September 14 deadline established by this Board in its August 6, 1979 Order.

For all of the above reasons, the Staff believes that Ms. Durkin's petition should be denied.^{1/}

Respectfully submitted,

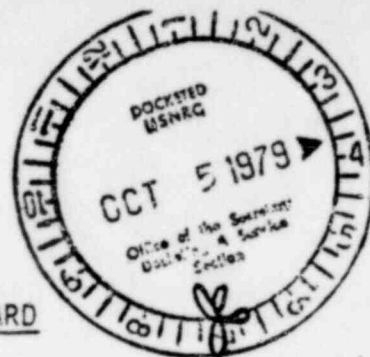

Stephen M. Sohinki
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 4th day of October, 1979

^{1/} The Staff notes that this Board has previously, by order of September 24, 1979, denied the untimely petition of Peter Durkin based on the second and third reasons given above.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO PETITION FOR LEAVE TO INTERVENE FILED BY JUDITH DURKIN" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 4th day of October, 1979:

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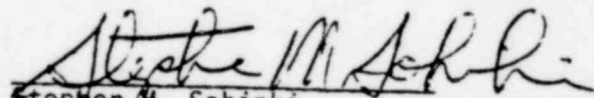
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