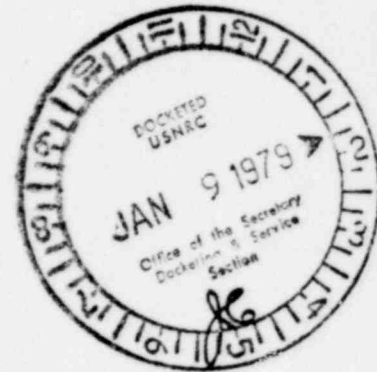


NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

ORDER RE: ACTION TAKEN AT
SPECIAL PREHEARING CONFERENCE

Pursuant to the Board's Order of October 24, 1978, the Special Prehearing Conference was held in Houston, Texas on November 17 and 18, 1978. Attending said conference were counsel for the Applicant and the NRC Staff, and counsel for the State of Texas. Petitioners For Leave To Intervene, Texas Public Interest Research Group (PIRG), and National Lawyers Guild, Houston Chapter, were represented respectively by James Scott, Jr., Esq., and Alan Vomacka, Esquire. Petitioners For Leave To Intervene appearing pro se were: Gregory J. Kainer; John F. Doherty upon his own behalf and upon behalf of the Armadillo Coalition of Texas, Houston Chapter; Carro Hirshenstein; Brenda A. McCorkle; Emanuel Baskir; John R. Shreffler; Madeline Bass Framson; Ann Wharton; Lee Loe; Kathryn Hooker; David Marrack; Jean-Claude DeBremaecker; F. H. Potthoff, III.^{1/}

^{1/} A note was handed to the Board by a friend of Mrs. Lois H. Anderson which stated in substance that Mrs. Anderson stood upon her Supplementary Petition To Intervene dated November 2, 1978, and we were advised that she was unable to attend the conference.

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Pursuant to 10 C.F.R. § 2.751a(d), the following actions were taken at the aforementioned conference:

1. The Board stated that it would not rule upon a petition for leave to intervene submitted by the Houston Gulf Coast Building and Trade Council dated November 10, 1978 until after written responses were received from the Applicant and the Staff.

2. Because various individuals did not appear at the conference, and because contrary to 10 C.F.R. § 2.714(b), they had not filed supplements to what appeared to be petitions for leave to intervene and therein listed proposed contentions, the Board concluded and ruled that the following individuals were requesting permission to make limited appearance statements at a later time and permission was so granted: Mrs. R. M. Bevis; George Broze; Ms. Shirley Caldwell; Allen Clark; Edgar Crane;

Footnote 1/ continued:

Ms. Patricia Day apparently attended at least some portion of the afternoon session on November 17, 1978. A letter informally submitted by her appears following transcript page 480. Because the letter was submitted informally, the Board orally ruled upon her request for an extension of time and said ruling is incorporated by reference into the instant written order (Tr. 685).

Mr. Dan M. McCaughan apparently attended some portion of the conference on November 17, 1978 but did not appear on November 18th to orally respond to the Applicant's and Staff's objections to his standing and/or to what appeared to be proposed contentions reflected in his Petition For Leave To Intervene postmarked October 12, 1978.

A mailgram informally sent to the Board by Mr. David Marke was read into the transcript at pages 678-79 (A separate order will be issued re: the request for an extension of time in said mailgram).

Brent Miller; John Renaud, Jr.; John Anderson. The Board also ruled that any persons who had not timely submitted contentions would be treated as individuals requesting to make limited appearance statements.

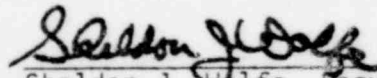
3. While noting that the Commission's Rules of Practice, 10 C.F.R. Part 2, did not grant to petitioners for leave to intervene the right to respond to the Applicant's and/or Staff's objections to their alleged standing and proposed contentions, the Board allowed the attending petitioners to orally respond. When petitioners indicated that there had been insufficient time in which to review the Applicant's and/or Staff's written objections, such petitioners were given the opportunity, if desired, to review these objections and to comment upon them later in the conference. Additional time for review was granted to those petitioners who wished to orally respond to Applicant's and/or Staff's written responses which had been received by these petitioners at the beginning of the special prehearing conference. Where supplemented lists of contentions had not been received in time for the Staff to submit written responses, (a) counsel for the Staff was granted leave to orally respond with the understanding that written responses would thereafter

be timely filed, and (b) petitioners Loe, Baskir, Yelderman, Shreffler, Hooker, DeBremaecker, Potthoff and Archer were granted leave to file by November 22, 1978 written responses to the Staff's oral responses.

4. The Board ruled that it would not act upon PIRG's "Motion For Modification Of The Licensing Board's August 14, 1978 and September 1, 1978 Order - Re: Limitations On Contentions" dated October 27, 1978 until after it had considered the Applicant's and Staff's timely responses.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Sheldon J. Wolfe, Esquire
Chairman

Dated at Bethesda, Maryland
this 8th day of January, 1979.