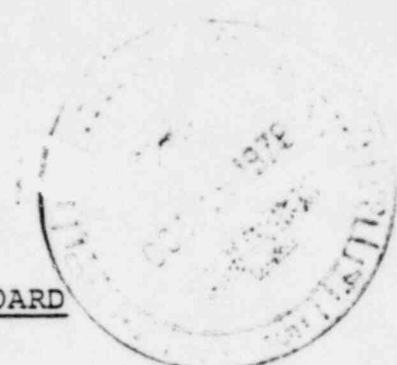


NRC PUBLIC DOCUMENT ROOM

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 JOHN F. DOHERTY'S
MOTION TO DISMISS OR POSTPONE
APPLICANT'S CONSTRUCTION LICENSE APPLICATION

Intervenor Doherty has filed a "Motion to Dismiss or Postpone Applicant's Construction License Application" on grounds of:

(1) alleged deficiencies in the construction of the South Texas Project;

(2) alleged deficiencies in the control of the South Texas Project and the fact that certain employees of Applicant have enrolled in a course taught by Doherty on the "Hazards of Nuclear Power Plants"; and,

(3) obscure references to Applicant's motivation for proceeding with the ACNGS project.

The motion is totally without any basis, is contrary to NRC regulations, and should be dismissed.

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With respect to intervenor's first point, we believe that all, or nearly all (it is difficult to tell because of the vagueness of the language), of the assertions are matters at issue in the STP proceeding and will be adjudicated there. Houston Lighting and Power Company, et al. (South Texas Project, Units 1 and 2) Memorandum and Order, August 3, 1979. Intervenor has not established that those assertions, even if true, have any relevance to ACNGS, a project of smaller magnitude, incorporating a different type of reactor and to be designed and built by a different engineer-constructor.

Sub-points 1 and 3 of intervenor's second ground (page 3) are subject to the infirmity noted above with respect to the first ground for the motion. The second sub-point, dealing with the course taught by intervenor, is plainly fatuous.

The vague statements regarding Applicant's motivation in pursuing the ACNGS project suggest that Applicant has a reason for building ACNGS other than the need to provide reliable and economical electric energy. Intervenor has provided no basis for this assertion other than his own unfounded speculation.

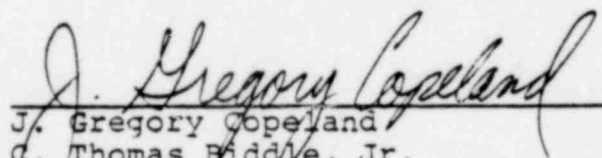
Finally, contrary to intervenor's suggested procedure, NRC regulations contemplate that the Board will issue

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an initial decision ruling on the application based upon the record made in the proceeding. 10 CFR § 2.760. Intervenor provides no underlying basis as to why the Board should do otherwise in this proceeding.

For the reasons discussed above, the motion should be dismissed.

Respectfully submitted,



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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicant's Response to John F. Doherty's Motion to Dismiss or Postpone Applicant's Construction License Application in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 11th day of October, 1979.

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