

Applicant in a Motion to Schedule Special Prehearing Conference pursuant to 10 CFR § 2.751a dated 7/30/79 requested that the Board require petitioners to be present and respond under oath to inquiries as to the basis of their statements that they failed to file petitions for leave to intervene under the Board's notices of May 31 and September 11, 1978. The NRC Staff's Response to Applicant's Motion dated August 3, 1979 took the position that extensive inquiry into the circumstances surrounding the filing of each petition was not necessary and that petitioners should not be required to respond under oath. The Board's Order Scheduling Special Prehearing Conference dated August 6, 1979 makes no mention of this issue. Nor did the Board's Supplemental Order dated September 13, 1979 address this issue. DONALD D. WEAVER did appear through counsel and counsel presented information to the Board through Mr. J. Morgan Bishop on the issue of prior notice intimidation. To reject this information on the basis that it is hearsay would be unfair in light of the Board's notices regarding the hearing and related pleadings filed by the Applicant and Staff which certainly did not put Mr. Weaver on notice that he would have to personally appear at the conference and on the contrary, implied that prior intimidation would be only a minor issue. Moreover, the Board's Order rejecting Mr. Weaver's petition places form over substance in basing its decision on Mr. Weaver's failure to explain why he did not say in his petition that he was intimidated in the face of the statement by Ms. Bishop that Mr. Weaver stated that he was in fact intimidated.

Respectfully submitted,

SL a.n. —

Stephen A. Doggett

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Michael C. Farrar

In the Matter of

HOUSTON LIGHTING & POWER COMPANY

(Allens Creek Nuclear Generating
Station, Unit 1)

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Docket No. 50-466

NOTICE OF APPEAL

KATHRYN OTTO, by and through her attorney of record STEPHEN A. DOGGETT, hereby gives notice of her appeal of the Order dated November 19, 1979 by the Atomic Safety and Licensing Board ruling that her letters of July 18, 1979 and of September 13, 1979 will be treated as merely a request to make a limited appearance as opposed to a petition for leave to intervene as a full party.

BRIEF IN SUPPORT OF APPEAL

The Atomic Safety and Licensing Board Order dated November 19, 1979 treating KATHRYN OTTO's letter of September 13, 1979 is erroneous for 2 reasons:

(1) the publication of notice in the Federal Register only is a denial of fair notice and due process and (2) the Supplemental Notice of Intervention Procedures dated June 12, 1979 published in the Federal Register is defective in requiring Petitioners to state that they failed to file petitions for leave to intervene pursuant to the Board's prior notices because of restrictions in those notices; the defective notices are tantamount to no notice and the requirement of a statement or proof of intimidation by the restrictions in prior notices denies due process.

Respectfully submitted,

Sh A. Doggett
Stephen A. Doggett

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Alan S. Rosenthal, Chairman
Dr. John H. Buck
Michael C. Farrar

Docket No. 50-466

PATRICIA L. STREILEN, by and through her attorney of record
STEPHEN A. DOGGETT, hereby gives notice of her appeal of the Order dated
November 19, 1979 by The Atomic Safety and Licensing Board ruling that
her letter of July 17, 1979 will be treated as merely a request to make a
limited appearance as opposed to a petition for leave to intervene as
a full party.

The Atomic Safety and Licensing Board Order dated November 19, 1979 treating PATRICIA L. STREILEN's letter of July 17, 1979 is erroneous for 3 reasons:

- Respectfully submitted,

Stephen A. Doggett

1650 214

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Michael C. Farrar

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

Docket No. 50-466

MOTION FOR EXTENSION OF TIME

Under the Commission's rules of practice, appellants' DONALD D. WEAVER, PATRICIA L. STREILEN, and KATHRYN OTTO ^{of} Notices [^] Appeal and Supporting Briefs would be due December 4, 1979.

Appellants attorney STEPHEN A. DOGGETT, is a solo law practitioner. The Order which appellants seek to appeal was not received by said attorney in the mail from the Board until November 26, 1979. On that date counsel was required to make court appearances in two felony criminal cases, two child custody case, and one involuntary mental health commitment. The trial of one of the first degree felony cases was commenced. This was a very serious ^{case} involving a possible life sentence, and counsel was required to devote all of his time to this matter on November 27, 28, and 29. Counsel was required to spend the bulk of November 30 and December 3 on previously scheduled client conference and court appearances.

In summary, ^{counsel} counsel has been unable to fully prepare Supporting Briefs for the appellants because of other pressing matters.

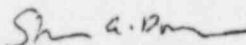
Moreover, the sole typewriter in counsel's office became inoperable around 1 p.m. on December 3, 1979, and remained inoperable throughout December 4, 1979.

Finally, counsel for appellants does not have access to a local federal law library and must travel to Houston, Texas, 30 miles away to fully brief legal questions.

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Premises considered, counsel for appellants requests an additional
10 days to prepare supplemental briefs in support of appellants appeals.

Respectfully submitted,


Stephen A. Doggett

CERTIFICATE OF SERVICE

I hereby certify that copies of Notices of Appeal and Supporting Briefs ~~and~~ for Patricia L. Streiten, Donald W. Weaver, and Kathryn Otto and Appellant's Motion for Extension of Time in the matter of Houston Lighting and Power Company (Allen Creek Nuclear Generating Station, Unit 1) Docket No. 50-466 have been served on the following by deposit in the United States mail, first class, this the 4th day of December, 1979:

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