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December 4, 1978

Ms. Colleen P. Woodhead,  
Counsel, NRC Staff  
Atomic Safety and Licensing Board  
Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555



In the Matter of  
Houston Lighting & Power Company  
(Allens Creek Nuclear Generating Station, Unit 1)  
Docket No. 50-466

Dear Ms. Woodhead:

Thank you for sending me copies of the three stipulations by the Staff and other petitioners which I had requested November 18 at the special prehearing conference. This letter seeks resolution of three relevant issues:

1. I requested not only copies of the stipulations, but also copies of the original contentions of these petitioners (James Scott for TexPIRG; John Doherty individually and for Armadillo Coalition; and Wayne Rentfro). Because you sent me only the stipulations, I am now in doubt as to whether the transcript of the prehearing conference contains my request for the contentions also. I not only planned to request both contentions and stipulations, but I recall doing so; and I have witnesses that I requested both. Should the transcript be inaccurate in this regard, I hereby request that it be corrected to show that I asked for both contentions and stipulations.
2. I am also in doubt, because of your response, whether the transcript shows that I next requested that copies of both these contentions and these stipulations be sent to all petitioners. Again, I planned to make this request, recall doing so and have witnesses. Should the transcript be inaccurate on this point, I hereby ask that it be corrected to show that this information was requested for all petitioners.
3. I was sent the stipulations free of charge, presumably because I am entitled to them as a petitioner in public hearings. But I maintain that the original contentions of the three above-named petitioners, involved in current proceedings, also contain information to which I and all petitioners are entitled. The contentions contain wording which was the basis for Staff's recommendation of acceptance of certain issues, as set forth in the stipulations. Both contentions and stipulations of these three petitioners would therefore have been enormously helpful to all petitioners earlier in these proceedings, in enabling those inexperienced in Commission regulations to see possible bases for acceptance of contentions, and in clarifying Staff's viewpoint on issues. Conversely, because this information was withheld from petitioners who

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responded to the Board's Corrected Notice of Intervention Proceedings, published September 11 (43 F.R. 40328), they have been effectively hampered in their participation in the same proceeding as the three above-named petitioners. The longer such information is withheld, the greater the damage to petitioners' effective participation, and the greater the question as to whether the Board has fully complied with its legal mandate to hold procedurally correct public hearings. The original, full request for information was made formally on November 18; it is December 4, and I have just received incomplete information, and apparently it was sent only to me. (Having spoken to several petitioners and learned that they have not received even this partial information, I am writing on the assumption that no one else was sent it.) Since the request that all petitioners be sent this information was made formally in open hearing, it may be that some petitioners therefore did not request this information individually. Therefore, I request that both the original contentions and the stipulations of the three above-named petitioners be sent to all petitioners immediately. In fairness, the information must be sent even to those whom the Board may reject as full parties to these proceedings; the material will be invaluable in preparing appeals, in that it contains bases for Staff's recommendations that issues be accepted for consideration by the Board.

Sincerely,

*Kathryn Hooker*

Kathryn Hooker

Copies mailed December 5 to:

Sheldon J. Wolfe, Chairman, Atomic Safety  
and Licensing Board Panel

Richard Lowerre, Asst. Attorney General,  
Texas

J. Gregory Copeland, Baker & Botts

Jack Newman, Lowenstein, Reis, Newman &  
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Docketing & Service Section, U.S. Nuclear  
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