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February 15, 1979

Mr. Richard L. Fouke
 1668-B Carter Drive
 Arlington, Texas 76010

In the Matter of Texas Utilities Generating Company, et al.
(Comanche Peak Steam Electric Station, Units 1 and 2)
Docket Nos. 50-445 and 50-446

Dear Mr. Fouke:

I am writing in reference to your letter requesting information concerning the schedule for the Comanche Peak operating license proceeding and the requirements for intervention and other types of participation in these proceedings. We regret the delay in responding to your letter.

At this time, a schedule has not been established for any hearings which may be held relating to the application for operating licenses for the Comanche Peak facility. However, arrangements will be made for you to receive any future Commission notices indicating the time and place for any hearings and prehearing conferences for the Comanche Peak operating license application.

On February 5, 1979, a notice was published in the Federal Register which is a combined "Notice of Consideration of Issuance of Facility Operating Licenses, Notice of Availability of Environmental Report, and Notice of Opportunity For Hearing." The notice provides that any person whose interest may be affected by this proceeding and who desires to participate as a party may file a request for a public hearing in the form of a petition for leave to intervene pursuant to the regulations of the Commission in Title 10 of the Code of Federal Regulations, section 2.714 (cited as 10 CFR § 2.714). As is stated in the Federal Register notice, a petition for leave to intervene must be filed by March 5, 1979. If a person is admitted as a party to NRC proceedings, that person may participate through presentation of testimony, cross-examination of the other parties' witnesses, and the filing of motions and any required pleadings in the proceeding.

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Another method by which a member of the public may participate in Commission proceedings is by making a limited appearance pursuant to 10 CFR § 2.715. A person making a limited appearance may make an oral or written statement of position on the issues in the proceeding. The presiding Atomic Safety and Licensing Board has broad discretion as to the receipt of limited appearance statements. In practice, the presiding officer usually inquires early on the first day of the hearing or the initial prehearing conference in the proceeding whether there are any individuals in attendance who wish to make limited appearance statements.

Enclosed for your information is a copy of the February 5, 1979 Federal Register notice and 10 CFR Part 2 "Rules of Practice for Domestic Licensing Proceedings" which includes information regarding intervention and limited appearances. Appendix A of 10 CFR Part 2 explains in detail the Rules of Practice in Part 2.

Sincerely,

Marjorie B. Ulman
Counsel for NRC Staff

Enclosures: As stated

cc w/o encl: Service List

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