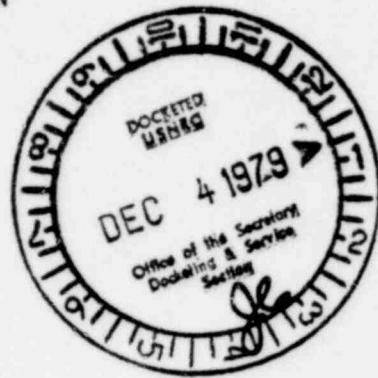


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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))

Docket No. 50-466

ORDER

December 3, 1979

Eugene E. Mueller has filed a notice of appeal from so much of the Licensing Board's November 19, 1979 order as treated his July 10, 1979 submission as a request to make a limited appearance statement, rather than as a petition for leave to intervene in this construction permit proceeding. The notice of appeal was accompanied by a two paragraph brief and a request that Mr. Mueller be given an extension of time within which to file "a more detailed brief if it's necessary".

That request is granted; Mr. Mueller may file a supplemental brief on or before December 13, 1979. The time for the filing of the responsive briefs of the applicant and the NRC

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staff shall not commence to run until service upon them of the supplemental brief.

We have been informed by the Docketing and Service Branch of the Office of the Secretary of the Commission that a copy of the Licensing Board's August 6, 1979 order was served upon Mr. Mueller. It is unclear from his remarks at the prehearing conference (particularly Tr. 761-62) and his cryptic brief now on file whether Mr. Mueller is contending that he did not receive that order and was therefore unaware of its content or, rather, that the Licensing Board lacked the authority to establish by that order a September 14, 1979 deadline for the filing of contentions. We will expect Mr. Mueller to address this matter in his supplemental brief.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Bishop
Secretary to the
Appeal Board

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