

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

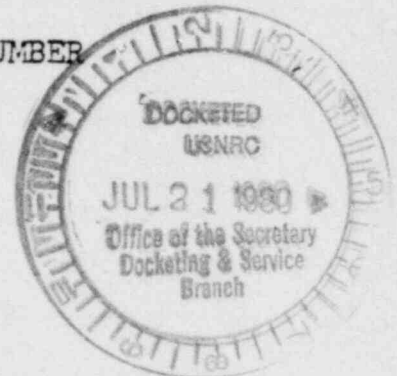
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

Houston Lighting & Power Company
(Allen's Creek Nuclear Generating
Station, Unit 1)

DOCKET NUMBER

50-466



Sheldon J. Wolfe, Esq.
Dr. E. Leonard Cheatum
Mr. Gustave A. Linenberger

Gentlemen:

On the afternoon of July 10, 1980, I attended a meeting with NRC Staff counsel Black, Moon, and Schinki, and Applicant counsel Copeland et al. The main purpose of this meeting, as stated in a letter received by this Intervenor on the very day of the meeting, was "to discuss the scheduling of this proceeding after discovery."

I take this opportunity to convey to the Board directly my objections to the various proposals of Staff and Applicant, and to put on the record my objection to the way in which this matter has been handled by the Staff.

First, I object to the hasty manner in which the meeting was called, and I object to the apparent collusion between the Staff and the Applicant. Staff and Applicant had obviously worked out all their proposals in advance without input from Intervenors; these proposals were then presented "cold" to Intervenors for instant analysis and reaction. Intervenors at the very least should have been provided written copies of the proposals some weeks in advance, so that we could participate in the meeting on an equal footing.

Second, I reject the proposed schedule for the following reasons:

1) The date for filing of responses to Motions for Summary Disposition is unreasonably early, particularly for the Bishops, Mr. Doherty, and TexPIRG, who may be required to defend several important and complex issues at once in order to keep them in contention.

2) The date proposed for the Prehearing Conference is too early for Financial Qualifications (FQ) Intervenors. Staff and Applicant were very vague as to the agenda for this Conference, and I would at least like to have clear and forthcoming answers to my last set of Interrogatories (FQ-4 and FQ/S-1), a good opportunity to examine HL&P's latest rate request. (filed June 30, 1980), and some idea of the agenda before I agree to any schedule for a Prehearing Conference.

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Finally, I strenuously object to the way in which Staff and Applicant handled the re-writing of contentions, particularly my own. The Board in its March 10 Order stated that "applicant and staff shall confer with the individual parties in an effort to arrive at succinctly worded contentions." Instead, the Applicant and Staff arrived at mutually agreeable re-wordings, then presented them to Intervenor as a fait accompli, without informing Intervenor in advance that the subject would even arise.

When I objected to certain aspects of Staff and Applicant's re-wording, and asked for more time to compare the proposed re-wording to the original contentions and to the transcript of the Special Prehearing Conference, I was given until July 14 to suggest any changes.

I refuse to participate in a "rush job" as requested by Staff and Applicant. I reject the proposed language for the FQ Contention, and Mr. Scott (of TexPIRG) and Mr. Doggett (representing himself and Ms. Cumings) have informed me that they also reject the proposal.

While I see the need for succinct restatements of consolidated contentions, I think that the re-writing should be done by the Intervenor who initially framed the contentions rather than by the Applicant. I find that the procedure followed by Staff and Applicant has not allowed Intervenor any meaningful input at all.

Respectfully submitted,

Bry

Bryan Baker

July 16, 1980

cc: All Parties