



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 9, 1980

Robert M. Lazo, Esq., Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Dear Mr. Chairman:

The Staff is in receipt of a letter dated August 22, 1980, from counsel for the Applicant in the captioned proceeding to you. In that letter, counsel correctly points out that the Licensing Board assigned to the Allens Creek proceeding has rejected a hearing schedule proposed by the Staff which would have resulted in the commencement of the evidentiary phase of the proceeding in late October of this year. It is also correct that the principal reason given by the Licensing Board for its rejection of the proposed schedule was the Board members' unavailability from November of this year until mid-January, 1981. Because of this substantial period of time during which the current Licensing Board members would not be available to conduct hearings in this matter, the Applicant requests that either the Board members "be relieved of their conflicting responsibilities or that, in all fairness, the Board be reconstituted" so that the proposed schedule can be adopted.

Without rehearsing in great detail the background of this proceeding, you are certainly aware that, in terms of the number of intervenors and issues in controversy, this is one of the most complex licensing proceedings in recent memory. Since its reactivation by the Applicant in 1977, the proposed Allens Creek facility has been the subject of several notices and re-notices offering the opportunity for intervention; the Appeal Board, as you know, has had occasion to deal with various aspects of the proceeding in many opinions issued during the course of the last two years. 1/

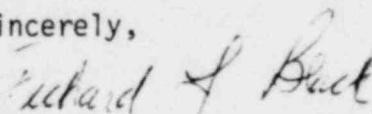
1/ See, e.g., ALABs 535, 539, 544, 590.

6 8009110 014

With specific regard to the schedule which the Staff has proposed in its July 18, 1980 letter to the Licensing Board, we genuinely feel that the dates proposed for filing of testimony and commencement of the hearing were fair to both the Applicant and the Intervenors. Without quibbling over the words used in the "Applicant's Motion to Set a Schedule for Commencing Evidentiary Hearings" attached to its August 22, 1980 letter to you, we are in general agreement with the tenor of that pleading.

It remains, however, to determine whether the public interest in general, or any party's interests in particular, would be served by granting either of the forms of relief suggested by the Applicant. The Staff is certainly in no position to comment upon the resources available to the Licensing Board Panel. We are certain that you, as Chairman of the Panel, make every effort to avoid a conflict such as has arisen here, in assigning Panel members to specific Boards. However, it appears that one or more of the present Allens Creek Licensing Board members is involved in at least two very active proceedings at the same time. Considering the complexity of the Allens Creek proceeding, it would be desirable that these Board members be available to devote their attention to this proceeding for the next several months. Therefore, if the members of the Allens Creek Licensing Board can be relieved of their conflicting responsibilities without significantly affecting the progress of any other proceeding and the rights of parties in those proceedings, we support the Applicant's request to do so. In any reconstitution of this Board, consideration, however, must be given to the amount of material which would have to be absorbed by any new Board member in order to familiarize him or herself with this proceeding and the relatively short time period in which to do so. Again, in accord with Applicant's request, we support any action that can be taken to move this proceeding along as expeditiously as possible.

Sincerely,



Richard L. Black
Counsel for NRC Staff

cc: See Page Three

cc:

Sheldon J. Wolfe, Esq.
Dr. E. Leonard Chaatum
Mr. Gustave A. Linenberger
J. Gregory Copeland, Esq.
Jack Newman, Esq.
Carro Hinderstein
Richard Lowerre, Esq.
Hon. Jerry Sliva
Hon. John R. Mikeska
Mr. John F. Doherty
Mr. F. H. Potthoff III
D. Marrack
Texas Public Interest
Research Group, Inc.
Brenda A. McCorkle
Mr. Wayne Rentfro
Rosemary N. Lemmer
Leotis Johnston
Mr. William J. Schuessler
The Honorable Ron Waters
Margaret Bishop
J. Morgan Bishop
Stephen A. Doggett, Esq.
Bryan L. Baker
Robin Griffith
Elinore P. Cummings
Mr. William Perrenod
Carolina Conn
U.S. Nuclear Regulatory Commission,
Region IV
Atomic Safety and Licensing Board Panel
Atomic Safety and Licensing Appeal Board Panel
Docketing and Service Section