

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Administrative Judges:

Sheldon J. Wolfe, Chairman
E. Leonard Cheatum
Gustave A. Linenberger, Jr.



SERVED

DEC 10 1980

In the Matter of)
HOUSTON LIGHTING AND POWER COMPANY)
(Allens Creek Nuclear Generating)
Station, Unit 1))

Docket No. 50-466 CP

ORDER
(December 9, 1980)

In our Order of July 31, 1980, the Board advised that effective July 25, 1980, the Commission had amended certain sections of the Rules of Practice to provide a one-year pilot program of procedural assistance in certain adjudicatory proceedings. As of our Order of August 21, 1980, Intervenor Baker, Schuessler, Doggett, Marrack, Doherty and TexPirg had requested and been granted the procedural assistance provided by the amendments to §§ 2.712 and 2.750.

However, in a letter decision B-200585, dated December 3, 1980, the Comptroller General of the United States concluded that, with the exception of the reduction of required copies as provided by the amendment to § 2.708(d), the Commission may not lawfully use its fiscal year 1981 appropriation to implement the cost reduction program. (See attachments - Letter dated December 3, 1980 to Chairman Ahearne from the Comptroller General; Comptroller General's B-200585 decision of December 3, 1980). On December 4, 1980, Chairman Ahearne directed the cessation of the procedural assistance program. Thus, the Commission is precluded from (a) copying and serving

8012300

035

G

DS02
S of

without cost a party's testimony (including attachments), proposed findings of fact and conclusions of law, and responses to discovery, and (b) providing one free transcript to a party.

Accordingly, any previous orders or issuances which adverted to and/or granted procedural assistance to any Intervenor are to that extent herewith rescinded. For example, paragraph 2 and footnote 3 appearing at page 4 of our Memorandum and Order dated October 3, 1980 are rescinded. Moreover, the following is substituted in lieu of said paragraph and footnote:

2. In order that the Board and parties will have adequate time within which to carefully review written direct testimony before the hearing begins, pursuant to 10 C.F.R. §§ 2.711(a) and 2.743, by no later than December 18, 1980, intervening parties (only with regard to an intervening party's own admitted contentions)^{2/} shall serve three copies of their written direct testimony (including attachments) of their witnesses upon the Board and serve one copy upon each of the parties, and, in addition, pursuant to § 2.708(d), as amended, shall serve the original and two copies upon the Commission's Docketing and Service Branch, 1717 H. Street, N.W., Washington, D. C. 20555. Applicant and Staff shall serve their written direct testimonies by no later than said date.

^{2/} See, however, item number 4, infra.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Sheldon J. Wolfe
Sheldon J. Wolfe, Esquire
Chairman

Dated at Bethesda, Maryland
this 9th day of December, 1980.



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20541

POOR ORIGINAL

IN REPLY
REFER TO: E-200585

December 3, 1980

The Honorable John F. Ahearne
Chairman, Nuclear Regulatory Commission

Dear Mr. Chairman:

We are enclosing for your information our letter of this date to the Chairman, Subcommittee on Energy Research and Production, Committee on Science and Technology, House of Representatives. In our letter we conclude that the Nuclear Regulatory Commission may not lawfully use funds appropriated by the Energy Research Development Administration, 1981, 1982, 1983, 1984, 1985, 1986, 1987, to supplement the procedural costs of the hearings conducted by the Commission in the matter of the application of the Atomic Energy Act, 1954, as amended, to the proposed construction of the Clinch River Reactor.

Sincerely yours,

Comptroller General
of the United States

Enclosure

DUPE OF DUPLICATE

8φ1222 φφ17