



NATIONAL LAWYERS GUILD

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De Jac Br

February 22, 1979

Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Docket No. 50-466
In the Matter of HOUSTON LIGHTING & POWER COMPANY
(Allens Creek Nuclear Generating Station, Unit 1)

Honorable Members of the Appeal Board:

Petitioner, HOUSTON CHAPTER, NATIONAL LAWYERS GUILD, INC., hereby enters its Notice of Appeal, pursuant to 10 C.F.R. §2.714a, from the Order Ruling Upon Intervention Petitions, entered on February 9, 1979, and served upon Petitioner February 14, 1979.

The Order from which Petitioner appeals wholly denied its October 11, 1978 Petition for Leave to Intervene, as supplemented November 17, 1978.

Petitioner/Appellant contends that the Petition should have been granted in whole or in part, as argued in the enclosed Supporting Brief.

Please acknowledge receipt and filing of this Notice of Appeal and Supporting Brief by return mail .

Sincerely,

Alan Vomacka
Alan Vomacka

encl.
cc: Attached Mailing List

Acknowledged by card... *3/1*

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD



In the Matter of §
HOUSTON LIGHTING AND POWER COMPANY § Docket No. 50-466
(Allens Creek Nuclear Generating Station, Unit One) §

SUPPORTING BRIEF OF HOUSTON CHAPTER, NATIONAL LAWYERS GUILD, INC.
TO APPEAL FROM DENIAL OF LEAVE TO INTERVENE

The Petition for Leave to Intervene in this construction permit proceeding, filed by HOUSTON CHAPTER, NATIONAL LAWYERS GUILD, INC. (Appellant), filed October 11, 1978, and supplemented November 17, 1978, was wholly denied by an P.S. & L.B. Panel "Order Ruling Upon Intervention Petitions", dated February 9, 1979. Notice of Appeal was timely filed by Appellant contending the Petition should have been granted in whole or in part. 10 C.F.R. §2.714a.

A. APPELLANT'S STANDING

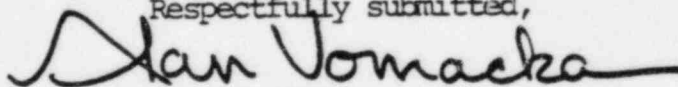
The Order appealed from sufficiently describes Appellant's status as the duly chartered local chapter of a national organization of over 5,000 members dedicated to protecting democratic rights and fostering basic political and economic change in society. (Order, p. 61-62; Petition p. 1-2; Supplement, p. 2-3). Appellant has stated that more than fifty (50) of its members reside in the Texas counties of Brazoria, Brazos, Harris and Walker, all in close proximity to the plant site. (Petition, p.2; Supplement, p. 2). Appellant's office address, 4803 Montrose Boulevard, Suite 11, Houston, Harris County, Texas, is "about forty-five miles east of the site." (Final Supplement to FES, p. 5.1-1, quoted in Order, p. 26). A distance of fifty (50) miles between the city of residence and the plant site will not preclude a finding of standing based upon residence in that city. Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1421 n. 4 (1977). Appellant's "normal, everyday activities", its principal office, and its residence is in the City of Houston, Harris County, Texas. Art. 1995, subdivision 23, TEX.REV.CIV.STAT.ANN.,

International Harvester Co. v. Faris, 360 S.W.2d 864 (Tex.Civ.App. 1963). The same standard of proximity of residence to the proposed site having been applied to eighteen (18) other petitioners (Order, p. 26-27, n. 6), Appellant would show that the proximity of its residence to the proposed site establishes an interest in the health and safety of its members which may be so significantly and adversely affected by this proceeding that it is entitled to intervene as a matter of right. 5 U.S.C. §558; 42 U.S.C. §2239; Gulf States Utilities Company (River Bend Station Units 1 and 2), ALAB-183, 7 AEC 222,226 (1974).

B. RIGHT TO PRIVACY IN GROUP ASSOCIATION

The most serious of Appellant's contentions involve allegations of the adverse impact upon the public health and safety of Applicant's members of the nuclear power security apparatus and systems associated with the Allens Creek Plant, including illegal harassment, surveillance, eavesdropping and intelligence gathering by the NRC, the Applicant, the Texas Department of Public Safety, local law enforcement intelligence units and private security agents of the Applicant. (Petition, p. 4-5; Supplement, p. 7, 11-13; Supplement Exhibits 2-6). These acts and their effects will not be limited to a fifty (50) mile radius from the plant. Petitioner is entitled to assert the rights of its members without disclosing their names and addresses, which would subject them to the very acts challenged, and to assert their "inviolability of privacy in group association ... indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." N.A.A.C.P. v. Button, 357 U.S. 449, 479 (1965), Cf. Dambrowski v. Pfister, 380 U.S. 479 (1963). Appellant's residence confers sufficient standing; sufficiency of its Contentions is unchallenged.

Respectfully submitted,



ALAN VOMACKA

Attorney for Appellant

CERTIFICATE OF SERVICE

The Appellant's Notice of Appeal and Supporting Brief have been mailed to the persons listed on the attached mailing list on February 22, 1979.