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10/10/78

Sheldon Wolfe, Esq.
Chair., Atomic Safety And Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ref.: IN THE MATTER OF HOUSTON LIGHTING AND POWER COMPANY
Allen Creek Nuclear Generating Station, Dock. # 50-466

Dear Sir,

I participated, as you know, in the Sept. 8, 1978 conference telephone call involving the N.R.C. staff's motion for alterations of dates in previous orders of the Board.

It was at that time that TexPIRG first became aware of the provisions of the Sept. 1, 1978 Board Order regarding a corrected notice of intervention procedures. I asserted at that time that the present petitioners, such as TexPIRG, should be treated with rights equal to those of any new petitioners. Furthermore, I noted during the conversation that permitting present petitioners to file additional contentions prior to the deadline for filing contentions by a second group of petitioners would not involve any delays in the hearing schedule.

After considerable discussion, I understood the Board to state that the presently filed petitioners would be treated as equals to any petitioners who responded to the Sept. 1 Order of the Board, with respect to additional deadlines for contentions resulting from the corrected notice of intervention procedures.

However, in recent discussions with Mr. Sohinki and Ms. Silberstein, attorneys for the N.R.C. staff, I was told that other parties to the proceeding did not recollect such a decision being made by the Board. In that they did not recount the conference call conversation of Sept. 8 in the manner I have, their position is apparently that we may not file additional contentions at the same time new petitioners would.

I would request that you clarify the intent of the Sept. 8 conversation and determination on this point for the staff. Under assumptions derived from that call, TexPIRG believes it may file further appropriate contentions 15 days prior to a pre-hearing conference. As you realize, unlike new petitioners, we filed contentions without the benefit of a Final Supplement to the Environmental Statement, and were restricted by the Sept. 1 Order from responding to the Sept. 11 corrected notice. We certainly hope that the Board will clarify its Sept. 8 decision.

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Thank you for your time.

Sincerely,

James Scott by cs
James Scott, Jr.
Counsel for TexPIRG

cc:

Mr. Sobinski
Mr. Lowerre
Mr. Newman
Mr. Copeland
Docketing and Service Section