

BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION



IN RE: APPLICATION §  
OF HOUSTON LIGHTING & § DOCKET NO. 50-466  
POWER CO. (ALLENS CREEK §  
GENERATING STATION, UNIT I) §

PETITION FOR LEAVE TO INTERVENE OF  
HOUSTON CHAPTER, NATIONAL LAWYERS GUILD, INC.

1. Pursuant to the Corrected Notice of Intervention Procedures, published by the N.R.C. in the Federal Register on September 11, 1978, the Houston Chapter, National Lawyers Guild, Inc. files this Petition for Leave to Intervene in this proceeding.

2. Petitioner, Houston Chapter, National Lawyers Guild, Inc., is a Texas Non-Profit Corporation. Petitioner is the duly chartered local chapter of the National Lawyers Guild, a voluntary association of over 5,000 lawyers, law students, legal workers and jailhouse lawyers founded February 22, 1937, at Washington, D. C., which is dedicated to the need for basic change in the structure of our political and economic system.

3. The objects of the Petitioner organization include the following:

a. To aid in making the United States and the State Constitutions, the law and the administrative and judicial agencies of the government responsive to the will of the American people;

b. To protect and foster our democratic institutions and the civil rights and liberties of all the people;

c. To promote justice in the administration of the law;

d. To keep the people informed upon legal matters affecting the public interest;

e. To encourage, in the study of the law, a consideration of the social and economic aspects of the law.

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4. The nature of the Petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to this proceeding is that Petitioner and its members are persons whose interests in their health, democratic rights, profession or occupation, and use and enjoyment of the natural resources of Texas may be affected by an order approving the construction of the Allens Creek Nuclear Plant, as required by 42 U.S.C. §2239, and as detailed in each of the following paragraphs.

5. The nature and extent of Petitioner's property, financial, social, civic, occupational and political interests in this proceeding, including its interests in the health, safety and well-being of its members and its members' clients; in the health, safety and well-being of present and potential clients of its members who are workers in the construction, maintenance, or operation of the Allens Creek Plant, or in transporting or delivering radioactive materials and waste to and from the plant; and in the civil liberties, democratic rights, and professional or occupational livelihood of its members and its members' clients who will be subjected to illegal police surveillance, arrest, and harassment for mobilizing public opposition to the Allens Creek Plant; are detailed in the following paragraphs.

6. Petitioner has more than fifty (50) members who reside in the Texas counties of Brazoria, Brazos, Harris and Walker, in close proximity to the proposed nuclear power plant. Petitioner and its members seek to represent the citizens of these counties, and the citizens of Austin, Washington and adjacent counties who are entitled to protection of their health and use and enjoyment of the natural resources of Texas, free from contamination by nuclear radiation from this plant.

7. Petitioner's members use and enjoy the air, water, food, products and natural resources of Austin County and its surrounding counties, including Brazoria, Brazos, Harris, and Walker Counties, in which they reside.

Three to four times a year, Petitioner and other member chapters of the National Lawyers Guild in Texas and Oklahoma gather in regional meetings held in public parks and other natural environments. In the fall of 1977, over sixty (60) members of the National Lawyers Guild gathered at one such regional meeting held on Peaceable Kingdom Farm in Washington County, Texas, in close proximity to the site of the proposed nuclear power plant. Petitioner fully intends to hold future meetings at the same farm, but the radiation released from the proposed Allens Creek plant would adversely affect the health, well-being and safety of its members present at such meeting, thereby compelling Petitioner, at its own expense, to seek an alternative location to protect its members' health.

8. Two (2) or more of Petitioner's members residing in Harris County suffer from chronic asthma, and will be subjected to a higher risk of cancer induced by airborne radioactivity released by the plant.

9. Petitioner and its members who are licensed attorneys represent rank and file workers governed by the National Labor Relations Act who are dissatisfied with the inadequacy or failure of the elected officials and retained counsel of their labor unions to take affirmative action to protect the health, safety and well-being of their members. The failure of any labor union to challenge the Allens Creek Plant licensing these proceedings on the basis of the adverse effects of the plant on its members' health, safety, and conditions and terms of employment reveals that the interest of rank-and-file workers constructing or maintaining the plant or work in proximity to it will otherwise be unrepresented in these proceedings unless Petitioner is permitted to intervene in their behalf.

10. Petitioner and its members who are licensed attorneys represent unorganized workers who are not members of labor unions but are actively working to organize labor unions to represent them in collective bargaining against their employers.

These unorganized workers, who will work in constructing, maintaining and operating this plant in transporting and delivering radioactive materials to the plant, or in other jobs in close proximity to the radioactive emissions from the plant, will be unrepresented in these proceedings unless Petitioner is permitted to intervene in their behalf.

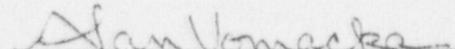
11. Petitioner and its members are consumers of electricity generated and sold by Houston Lighting & Power Company, a private monopoly which has made numerous false, misleading and deceptive statements about the need for, the cost of, and the safety of generating electricity by nuclear fission in the Allens Creek Plant, to induce consumers of electricity to purchase it at inflated rates which will result in exorbitant profits for Houston Lighting & Power, in violation of the Federal Consumer Protection Act and the Texas Deceptive Trade Practices-Consumer Protection Act. Petitioner and its members are "persons" with standing to challenge the accuracy of these misrepresentations under the applicable acts, and should be permitted to represent the interest of Houston Lighting & Power's consumers in these proceedings.

12. Petitioner and its members represent members of people's organizations opposed to nuclear power, including the Armadillo Coalition of Texas and the Mockingbird Alliance. Petitioner's clients, their members' clients, and Petitioner's members have been and will continue to be subjected to illegal and unconstitutional surveillance, eavesdropping, harassment, intimidation, interference with contractual relations and defamation by federal, state and local police agents and agents in the employ of private electrical utilities, for the illegal purpose of depriving members of the anti-nuclear, power movement of their democratic rights to legal representation in organizing mass public opposition to proposed nuclear power projects. As set forth in the contentions supplementing this petition, Petitioner and its members will be subjected to illegal surveillance and

harassment by police agents and will be forced to contribute vast amounts of time and financial resources to representing members of people's movements opposed to the Allens Creek Plant, including members of the Armadillo Coalition of Texas and the Mockingbird Alliance.

13. The possible effects of an order approving the application of the Houston Lighting & Power Company in this proceeding will be the demise in the health and well-being of the Petitioner's members induced by radiation emanating from the plant; the elimination of Peaceable Kingdom Farm and any other farm or park in Washington, Austin, Walker, Fayette or surrounding counties as a site for Petitioner's regional meetings and the concomitant expense and inconvenience of locating an alternative location; the subjection of Petitioner's asthmatic members to higher risks of cancer from the plant's radiation than that to which members of Petitioner generally will be subjected; the expenditure of time and financial resources of Petitioner and its members in representing, without remuneration, workers who seek to challenge the occupational safety and health risks to which they will be subjected by the plant, as well as the conditions and terms of their employment in constructing, maintaining, operating or transporting or delivering radioactive materials and waste to and from the plant; the expenditure of time and finances of Petitioner and its members in representing members of people's organizations opposed to the Allens Creek Plant, including Armadillo Coalition of Texas and Mockingbird Alliance who will be subjected to illegal surveillance, harassment, and arrest in protesting the construction of this plant, as well as the intimidation and harassment of Petitioner and its members engaged in representing these organizations.

Respectfully submitted,



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