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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

APPLICANT'S RESPONSE TO PETITION FOR LEAVE TO
INTERVENE OF PETER J. DURKIN

Applicant files this response to the petition for leave to intervene filed by Peter J. Durkin. For the reasons discussed below, the petition should be denied.

The petition fails to satisfy the "interest" requirement of 10 CFR §2.714. None of the concerns expressed therein are stated with the degree of particularity sufficient to meet the requirements of that section. The four generalized concerns listed in the petition fail to qualify as statements of "the specific aspect or aspects of the proceeding as to which petitioner wishes to intervene." Id. Additionally, under NRC precedent, at least one contention must be stated with reasonable specificity and supporting bases. The four generalized statements contained in the petition do not even approach these requirements.

The petition, whether or not it is intended to be filed in response to the "Supplementary Notice of Intervention Procedures" (44 Fed. Reg. 35062, June 18, 1979) is untimely filed. Pursuant to the "Supplementary Notice" all petitions to intervene were to be filed with the Board by July 18, 1979. This petition was filed over one month past that deadline and does not address the factors to

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be weighed in considering non-timely filings. 10 CFR §2.714

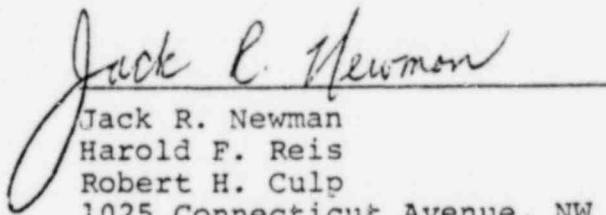
(a)(i)-(v). In any event, the petition fails to comply with the "Supplementary Notice" which requires that petitioner:

. . . state that he failed to file a petition for leave to intervene pursuant to the Board's notices of May 31 and September 11, 1978, because of restrictions on permissible contentions contained in those notices.

Accordingly, the petition is untimely by several months. No attempt has been made to address the five factors contained in 10 CFR §2.714(a) relating to untimeliness.

For these reasons Applicant requests that the petition for leave to intervene, filed by Peter J. Durkin, be denied.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Response to Petition for Leave to Intervene of Peter J. Durkin, in the above-captioned proceeding, were served on the following by deposit in the United States mail, postage prepaid, or by hand delivery this 27th day of August, 1979:

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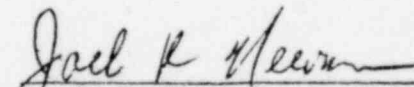
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