

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

APPLICANT'S RESPONSE TO
PETITION FOR LEAVE TO INTERVENE
BY MARLENE R. WARNER, PhD

Applicant files this response to the petition for leave to intervene filed in this proceeding on July 30, 1979, by Marlene R. Warner, PhD of Houston, Texas.

The petition amends an earlier filing (July 9) from Dr. Warner to which Applicant and NRC Staff filed answers reflecting their uncertainty as to the status sought by the petitioner. Petitioner's intention with respect to the status sought, is clarified in the filing of July 30, 1979, which states:

"I wish to participate as a full party . . .
for the reasons set forth in my letter of
9 July 1979."

The only "reason" specified in petitioner's letter of July 9 was:

"I believe that my health and well being and
that of my two children will be endangered
by the presence of a nuclear generating plant."

The instant filing does not clarify the very vague assertion of interest in the filing of July 9. It is impossible to determine the nature of the danger perceived by the petitioner. Nor does the filing identify with reasonable specificity how or why petitioner's interest will be affected. This is a grave failing, especially on the part of one who apparently lives at the furthest edges of the "geographic zone of interest."

Moreover, Dr. Warner's statement fails to comply with the requirements of the "Supplementary Notice of Intervention Procedures" which require the clear, unequivocal statement that petitioner "failed to file a petition for leave to intervene pursuant to the Board's [earlier notices] because of restrictions on permissible contentions contained in those notices." Petitioner's sole statement in this regard is in her letter of July 9 in which she states:

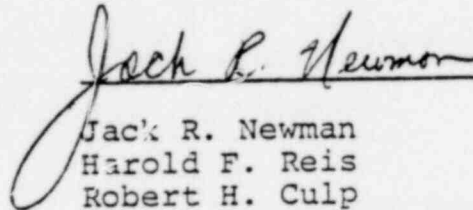
"Prior restrictions against speaking out on nuclear power have prevented me from registering my opinion."

That assertion evades the requirements of the Supplementary Notice of Intervention Procedures." Dr. Warner's pleading, is therefore, unresponsive to that Notice.

For the foregoing reasons the petition for leave to intervene as filed by Dr. Warner on July 9, 1979, and amended

July 30, 1979, should be denied.

Respectfully submitted,



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