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September 13, 1979

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Chairman, Atomic Safety and  
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. E. Leonard Cheatum  
Route 3, Box 350A  
Watkinsville, GA 30677

Mr. Gustave A. Linenberger  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

RE: Houston Lighting and Power Company  
(Allens Creek Nuclear Generating  
Station, Unit 1) Docket No. 50-466

Gentlemen:

In an order dated August 24, 1979, the Board denied a Staff motion for an extension of time within which to respond to certain amendments to contentions of Intervenor John F. Doherty and stated that it was "concluding the drafting of an Order which will be issued shortly." On August 27, the Board issued another Order, rescinding its earlier one and stating that while it had hoped to rule upon contentions filed by intervenors/petitioners Robert and Madeline Framson, F. H. Potthoff, III, David Marrack, John F. Doherty and Texas Public Interest Research Group in "an expeditious manner", it was unable to do so because of amendments to these contentions which had been filed subsequent to August 6, 1979. The Board set September 14, 1979, as the date by which any further amendments to these contentions could be filed without prior approval



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and Linenberger  
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of the Board. The Board also set September 29, 1979 as the date by which Applicant and Staff were requested to respond to any amended contentions filed by these intervenors/petitioners.

The Applicant urges the Board to issue an Order ruling on the admissibility of those contentions and amended contentions as to which the Staff and Applicant have responded and no further amendments have been submitted prior to September 14, 1979. As of the present date there are some 84 contentions filed by the intervenors/petitioners as to which Applicant and the NRC Staff have responded. No additional amendments to these contentions have been received as of this date and none may be considered after September 14, 1979 without prior Board approval. Therefore, these contentions are ripe for decision as to their admissibility into this proceeding. A list of these contentions is attached hereto. \*/ The Applicant believes that, for purposes of expediting this proceeding, it is of particular importance for the Board to rule on the admissibility of these contentions as soon as possible, without waiting until after the September 29, 1979 deadline for the Applicant and the Staff to file responses to other, amended, contentions.

An immediate ruling on ripe contentions would permit the parties to begin discovery promptly. While such a procedure would require the Board to issue a Supplemental Order covering the admissibility of other, amended, contentions, nevertheless an immediate order would allow the existing parties to proceed while the Board considers the remaining, amended, contentions as well as the numerous petitions to intervene filed in response to the "Supplementary

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\*/ This list will have to be amended to reflect amendments to contentions, if any, received after the date of this letter, filed by intervenors/petitioners.

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Notice of Intervention Procedures" of June 18, 1979. \*/

From the above-quoted statement in the Board's August 24 Order, it is clear that the Board has already substantially completed its review of numerous contentions and has, in fact, drafted portions of an order ruling upon them. We urge the Board not to delay the issuance of its decision on the contentions as to which responses have been filed by the Applicant and the Staff and which are now ripe for decision.

Sincerely,

*Robert H. Culp*

Robert H. Culp  
Attorney for Applicant  
HOUSTON LIGHTING AND POWER COMPANY

RHC/fgr  
Attachment

cc: See attached Certificate of Service

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\*/ In a motion filed on August 30, 1979, Intervenor John F. Doherty requests the opportunity at the October 15 special prehearing conference "to present additional information" and "to rebut Staff and Applicant's objections" to his contentions filed since the Board's April 11, 1979, Memorandum and Order. The motion should be denied. As Mr. Doherty admits, NRC regulations do not provide for such oral argument. Moreover, not only has Mr. Doherty failed to offer any good reason why he should be allowed to present oral argument on his contentions, but he has not shown good cause for requesting the opportunity to present "additional information" to the Board on his contentions. The time for submitting additional information on contentions will expire on September 14, 1979. Since Mr. Doherty has had five months to file and amend contentions, it would be entirely inappropriate to extend this date until the special prehearing conference.

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A T T A C H M E N T

Below is a list of contentions and amended contentions filed in this proceeding by petitioners/ intervenors Potthoff, Doherty, TexPirg, Marrack and the Framsons as to which the Applicant and Staff have responded and which are now ripe for decision:

F. H. Potthoff, III: Contentions 1, 2, 4, 5 and 6.

John F. Doherty: Contentions 4, 9, 10, 11, 13, 14, 17  
18, 20, 23-28, 30-32, 34-37,  
40, 41.

Texas Public Interest Research Group: Supplemental Contentions  
1 - 50

D. Marrack: Contentions 2, 3, 4 and 6.

Mr. and Mrs. Robert Framson: Spent Fuel Meltdown  
Contention.

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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) )  
 )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicant's letter to the Atomic Licensing and Safety Board in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 13<sup>th</sup> day of September, 1979.

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Hon. Leroy H. Grebe  
County Judge, Austin County  
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Atomic Safety and Licensing  
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U.S. Nuclear Regulatory  
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Atomic Safety and Licensing  
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