

May 5, 1982

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Administrative Judge
U. S. Nuclear Regulatory
Commission
Washington D. C. 20555

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Gustave A. Linenberger
Administrative Judge
U. S. Nuclear Regulatory
Commission
Washington D. C. 20555

DOCKET NUMBER
PROC. & UTIL. FAC.

50-466

Re: Houston Lighting & Power Co.
Allens Creek Nuclear Generating
Station, Unit 1
Docket No. 50-466



Dear Members of the Board,

Counsel Copeland, of Applicant, in a letter which is a non-reply to this Intervenor's Findings of Fact and Conclusions of Law from the most recent hearings, has pointed out these findings were filed on April 29, 1982, instead of April 28, 1982, a date set (Tr. 22,024) at the close of the third day of hearings in Houston, and urges the Board not to give consideration to them for that reason.

First, I must confess that I carried away from the hearings that 14 days after receiving the transcript would be the due date, which was discussed, (Tr. 22,020 - 20,022) and satisfactory to Applicant's counsel, (Tr. 22,022, lines 7 - 8). I apologize for this misconception and to anyone inconvenienced by the delay.

Second, I would urge that the Board not follow Mr. Copeland's suggestion, but not only because of Counsel Newman's statement. Instead, I would respectfully point out the Board appointed this party lead party for the Supplemental Part of TexPIRG Additional Contention 31, and that without consideration of the findings of fact of the only Intervenor to file Findings of Fact, would be to leave out a significant statement for a relatively minor infraction. That is on balancing the irritation of the lateness against the prejudice to other parties it is far better to fully air the findings than to punish that infraction. This Intervenor has filed many papers against deadlines in this proceeding in the last four years. Not even Counsel's letter to the Board of May 3, 1982, which arrived today urges that this Intervenor is an habitual late filer. Instead, the transcript at Tr. 22,023, Lines 21, may reveal that I should have requested more time to begin with.

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Therefore, this Intervenor urges the Board to consider his Findings of Fact, of April 29, 1982, and not reject them for inadvertent one-day lateness.

Respectfully, *J. E. Donita*