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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))	
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MOTION TO COMPEL INTERVENORS
HINDERSTEIN, McCORKLE AND TEXPIRG
TO ANSWER INTERROGATORIES



Pursuant to 10 CFR §2.740(f) of the Commission's Rule of Practice, Houston Lighting & Power Company ("Applicant") requests the Board to issue an order compelling Intervenor Carro Hinderstein, Brenda A. McCorkle and Texas Public Interest Research Group (TexPirg) to answer Applicant's interrogatories.

On July 3, 1979, Applicant served a second set of interrogatories on Intervenor Hinderstein and McCorkle. On July 5, 1979, Applicant served a third set of interrogatories on Intervenor TexPirg. Under the provisions of 10 CFR §2.740b(b), the Hinderstein and McCorkle answers were due on July 23, 1979, and the TexPirg answers were due on July 24, 1979. None of the Intervenor to date has filed answers to these interrogatories. */

*/Some of the interrogatories posed to Intervenor call for the production of documents if such documents exist within the possession of Intervenor. Unlike the 14-day period allowed for responding to interrogatories, the provisions of 10 CFR §2.741(d) allow a 30-day period for producing documents. Thus, the time period for the production of these documents has not yet expired.

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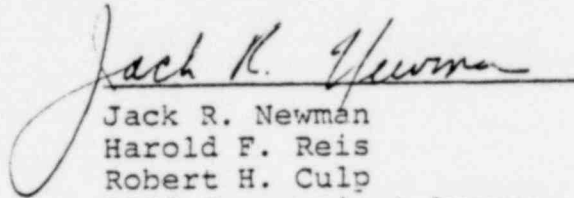


10 CFR §2.740(b)(1) provides that parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter of the proceeding. In this case, Applicant directed interrogatories to Intervenors Hinderstein, McCorkle and TexPirg in order to probe the bases for their contentions. In particular, these interrogatories were primarily follow-up questions to answers given to prior interrogatories and to testimony provided in depositions. The interrogatories also contain questions concerning issues admitted subsequent to the earlier round of discovery procedures. The information sought in these interrogatories is relevant and, to the best of Applicant's understanding, is not privileged. The interrogatories, therefore, should be answered in their entirety. If Intervenors had any problems with answering these interrogatories, the proper response, instead of simply refusing to answer, would have been to file an objection pursuant to 10 CFR §2.740(b). Intervenors have not objected to the interrogatories and their failure to provide answers cannot be construed as an objection. 10 CFR §2.740(f)(1). In fact, Intervenors' failure to object to the interrogatories on a timely basis must be construed as a waiver of their right to object.

The Commission's regulations authorize the Board to issue an order compelling discovery where a party has failed to timely respond to interrogatories. Accordingly, Applicant requests this Board to issue an Order in the form attached hereto pursuant to Section 2.740(f) of the Commission's regulations

compelling Intervenor Hinderstein, McCorkle and TexPirg to answer Applicant's interrogatories.

Respectfully submitted,



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Attachment: Draft Order

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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))
_____)

ORDER

On August 7, 1979, Applicant filed a motion requesting the Board to issue an order compelling Intervenors Carro Hinderstein, Brenda McCorkle and Texas Public Interest Research Group (TexPirg) to answer Applicant's interrogatories. Applicant served interrogatories on Intervenors Hinderstein and McCorkle on July 3, 1979 and on Intervenor TexPirg on July 5, 1979. In accordance with the provisions of 10 CFR §2.740b(b), answers to interrogatories are due 14 days after service. In this case, that date was July 23, 1979, for Intervenors Hinderstein and McCorkle and July 24, 1979 for Intervenor TexPirg. None of the three intervenors has provided answers to these interrogatories nor has any one of them filed objections under 10 CFR §2.740b(b). 10 CFR §2.740(f) authorizes the Board to issue an order compelling discovery when a party fails to respond to interrogatories.

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Applicant's motion to compel discovery under 10 CFR §2.740(f) is granted and it is hereby

ORDERED that within 10 days after the service of this Order, Intervenors Hinderstien, McCorkle and TexPirg shall provide complete answers to Applicant's interrogatories served on these parties under date of July 3, 1979 and July 5, 1979.

For the Atomic Safety
and Licensing Board

Sheldon J. Wolfe, Esq.
Chairman

Dated at Bethesda, Maryland
this ____ day of August, 1979

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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(Allens Creek Nuclear Generating)
Station, Unit 1))
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CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Motion to Compel Intervenor Hinderstein, McCorkle and TexPirg to Answer Interrogatories dated August 7, 1979, in the above-captioned proceeding, were served on the following by deposit in the United States mail, postage prepaid, or by hand delivery this 7th day of August, 1979:

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