

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))
)

JOHN F. DOHERTY'S MOTION TO CONTINUE ASPECTS OF DISCOVERY FOR HIS CONTENTIONS #3, 5, 6, 7, 8, and 9, BEYOND THE 45 DAY LIMIT IMPOSED OCTOBER 19th, 1979.

John F. Doherty, Intervenor in the above construction license proceeding files this motion in order to have additional time to perform interrogatory discovery for his Contentions #3, 5, 6, 7, 8, and 9 on Staff and Applicant. These five contentions were admitted earlier than the October, 1979, Special Pre-hearing conference. The first three were admitted April 12, 1979, the latter on March 19, 1979. Following the admission of the first four, there was a Federal Register notice and this Intervenor filed approximately 30 contentions in response. Ten of these were accepted at the Special Prehearing Conference in October, with four others, making this Intervenor's total twenty. Some fifteen are part of a discovery period which ends approximately February 24, 1980. However the subject contentions of this motion end their discovery period on December 6, 1979.

This Intervenor seeks to have Interrogatory evidence gathering continue on these five contentions until January 27th, 1980. This discovery extension would not include requests for Documents nor deposition discovery from this party.

The reasons in support of this motion are several. First, the Staff has not replied to four sets of Interrogatories from this Intervenor (See Motion to Compel Enclosed). Second, I have mailed several request for documents, one with over 180 requests (See: "John F. Doherty's Ninth Request for Documents from the Commission", enclosed) which the additional time would

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permit my following-up with Interrogatories and help in defining the issues.

Third, there is an indefinite moratorium on the licensing of nuclear plants at this time with no clear certainty when it will be lifted. While the Board may find this a difficult matter to judge, there is no certainty that if this Intervenor's motion is granted it will necessarily delay the progress of the proceedings at all.

Fourth, at the October 19th session of the pre-hearing conference, Applicant and Staff's request to limit discovery on these five contentions was granted. Both parties had in mind all types of discovery. Here, this Intervenor requests only the continuation of the Interrogatory right which decreases the burden on those two parties.

Finally, this request is made on the basis that between December 8, 1979 and December 19, 1979, this Intervenor will be tied up with exams. Therefore the only useful time to him is after December 19th. The last request for documents will not be available to him (unless expedited) until January 13th. This Intervenor believes given the two weeks from January 13, 1979 to January 27, 1979 would be a reasonable time supply for using the documents to their full advantage.

Therefore, this Intervenor prays he be granted until January 27, 1979, the right of Interrogatory discovery for these five contentions.

Copies of "JOHN F. DOHERTY'S MOTION TO CONTINUE ASPECTS OF DISCOVERY FOR HIS CONTENTIONS #3,5,6,7,8, and 9, BEYOND THE 45 DAY LIMIT IMPOSED OCTOBER 19th, 1979" were served first class U. S. Postal Service on the parties listed below, this 3rd of December, 1979.

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Respectfully submitted,

John F. Doherty
 John F. Doherty
 Intervenor

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