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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )  
HOUSTON LIGHTING AND POWER COMPANY )  
Allens Creek Nuclear Generating )  
Station, Unit 1) )

Docket No. 50-466 CP

ORDER

(September 26, 1979)

On September 5, 1979, Texas Public Interest Research Group, an intervening party, filed a Motion To Compel Responses By The Applicant. Therein, PIRG requested that the Board compel the Applicant to respond to certain interrogatories set forth in its Third Set of Interrogatories. Applicant filed a Response to the instant Motion on September 19, 1979.

We grant in part and deny in part PIRG's Motion To Compel. Within fourteen days after the service of this Order, Applicant shall file complete and responsive answers to certain of the interrogatories as indicated, infra.

--Interrogatory No. 5. The Motion is denied. Contrary to PIRG's argument, its Contention 7, relating to energy conservation, does not include the whole issue of need for power by Applicant's system. Contention 7 is limited to merely asserting that the need for ACNGS, Unit 1, can be obviated if conservation is effected by retrofitting, by major industrial users producing their own energy, by alteration of the rate structure, and by increased use of "passive solar" techniques. Thus, the interrogatory is not relevant to PIRG Contention 7.

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--Interrogatory No. 6. The Motion is granted. Applicant shall fully and responsively answer the question posed inclusive of the explanation requested in the parenthesis.

--Interrogatory No. 7. The Motion is denied. The interrogatory questions the position of Applicant's lobbyists (and their identity) before the Texas Legislature regarding solar energy and solid waste energy bills. The interrogatory is neither relevant to PIRG's Contention 5, which merely contends that Applicant and Staff have not given adequate consideration to the combustion of solid waste as an alternative energy source, nor relevant to Contention 7, which, inter alia, merely contends that Applicant and Staff have not considered the increased use of "passive solar" techniques. Further, the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence because Applicant's good faith and objectivity have not been placed into controversy.

--Interrogatory No. 8. The Motion has been mooted. In its response, Applicant advises that it will make available certain correspondence since PIRG has narrowed its request to that correspondence with CAM relating to co-generation or self-generation.

--Interrogatory No. 9. The Motion is denied to the extent that PIRG seeks the reasons for and correspondence relating to Applicant's termination of a proposed joint electrical generation venture with Dow Chemical Company. For the reason discussed above with regard to Interrogatory No. 5, this interrogatory is not relevant to PIRG Contention 7.

The balance of the Motion has been mooted in that, in its Response, Applicant advises that it will supply any information it has which might bear on Dow's future plans for conservation or self-generation.

--Interrogatory No. 10. The Motion is denied. The interrogatory questions the projected impact of the proposed joint venture with Dow upon HL&P's total demand, installed capacity, and reserve margin. For the reason discussed above with regard to Interrogatory No. 5, the interrogatory is not relevant to PIRG Contention 7.

--Interrogatory No. 11. The Motion has been mooted by Applicant's furnishing of the information in its Response of September 19, 1979.

--Interrogatory No. 12. The Motion has been mooted by Applicant's furnishing of additional information in its Response of September 19, 1979.

--Interrogatory No. 13. The Motion is denied. The interrogatory questions whether Applicant has received any communication from Staff indicating that Applicant should obtain a certification of necessity and convenience from the PUC prior to proceeding with the construction permit processes. For some reason, Applicant did not answer in its Response of September 19, 1979. However, we have reviewed Applicant's Response to TexPirg's Third Set of Interrogatories dated August 27, 1979, wherein Applicant objected because said certification is not an issue relevant to any admitted contention. Applicant is correct, and specifically, for the reason discussed above with regard to Interrogatory No. 5, the interrogatory is not relevant to PIRG Contention 7.

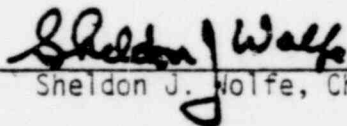
--Interrogatory No. 15. The Motion is granted. Applicant shall fully and responsively answer the question. Applicant's answer to Interrogatory 16 is not responsive to the instant interrogatory.

--Interrogatory No. 21. The Motion has been mooted. Apparently, as Applicant points out in its Response of September 19, 1979, PIRG's interrogatory was based upon an earlier edition of Section 9.2.1.3.4 of Applicant's Environmental Report. Applicant has furnished PIRG with the amended pages.

--Interrogatory No. 25. The Motion is granted. PIRG has not formally withdrawn the underground siting portion of Contention 6. Accordingly, Applicant shall respond to this interrogatory.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
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Sheldon J. Wolfe, Chairman

Dated at Bethesda, Maryland,  
this 26th day of September, 1979.

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