

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Sheldon J. Wolfe, Esquire, Chairman  
Gustave A. Linenberger, Jr., Member  
Dr. E. Leonard Cheatum, Member



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

Docket No. 50-466 CP

ORDER  
(January 8, 1980)

In our Order dated December 4, 1979 we deferred ruling upon Applicant's Motion To Dismiss Intervenors McCorkle and Hinderstein until after these two parties had responded to certain questions. Ms. Hinderstein responded on the due date of December 17, 1979. Ms. McCorkle filed an untimely response on December 31, 1979.

Ms. Hinderstein advises that she wishes to remain as a party intervenor but that she does not want to pursue her Contentions 3 and 9, the former having been previously consolidated with TexPirg Additional Contention 1 in our Order of March 30, 1979. (We allow withdrawal of said contentions). She further advises that she did not comply with the Board's Order of August 27, 1979, which had directed her to provide complete answers to Applicant's interrogatories of July 3, 1979 within ten days after service of the Order, because her expert witness, due to previous commitments, had been unable to respond and because she had so notified Applicant's counsel in a telephone conversation on September 18, 1979. This apologia, even by an attorney whose federal practice has been limited, falls far short of the mark. Ms. Hinderstein had a duty to communicate directly with

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this Board via a timely motion for an extension of time, showing good cause for being unable to comply with the Order of August 27, 1979.

Ms. McCorkle advises that she wishes to remain as a party intervenor and that she wishes to pursue all of her contentions at this time. She further advises that she did not comply with the Board's Order of October 5, 1979, which had directed her, within fourteen days after service of the Order, to file complete and responsive answers to certain interrogatories set forth in Applicant's Second Set of Interrogatories, because she had received said Order only two days before the due date for compliance, because she had been working on responses to Applicant's Third Set of Interrogatories, and because she has been unable to locate an expert witness who would be capable of responding to these interrogatories. She advises that, if she is unable to secure an expert witness, she will withdraw Contentions 9, 14 and 17. These explanations are unacceptable. Ms. McCorkle had a duty to communicate directly with the Board via a timely motion for an extension of time, showing good cause for being unable to comply with the Order of October 5, 1979.

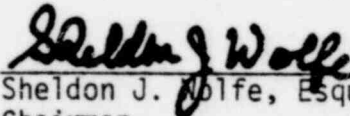
Clearly, Ms. Hinderstein and Ms. McCorkle, as parties, have disregarded our Orders and have been remiss in failing to explain in a timely manner why they were unable to comply. Further, regardless of their limited practice or experience, as attorneys, they are presumed to know the basic rules of procedure. However, we have reviewed their remaining contentions which they state they will pursue, we have noted that they have made some discovery requests, and we are assured by them that they will comply with our Orders. Accordingly, we deny Applicant's Motion To Dismiss filed on November 9, 1979.

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By no later than February 1, 1980, Ms. Hinderstein shall submit (mail) her complete and responsive answers to interrogatories A. 1 through A. 6 as set forth in Applicant's Second Set of Interrogatories served on July 3, 1979. By no later than February 1, 1980, Ms. McCorkle shall submit (mail) her complete and responsive answers to those interrogatories which we had directed her to answer in our Order of October 5, 1979. No requests for extensions of time will be granted. Applicant shall have until February 19, 1980, within which to engage in follow-up discovery.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Sheldon J. Wolfe, Esquire  
Chairman

Dated at Bethesda, Maryland  
this 8th day of January, 1980.

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