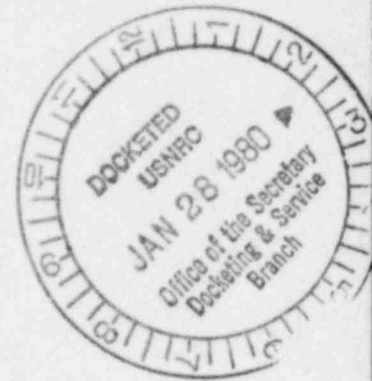


January 24, 1980

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of	§	
	§	
HOUSTON LIGHTING & POWER	§	
COMPANY	§	Docket No. 50-466
	§	
(Allens Creek Nuclear	§	
Generating Station, Unit	§	
No. 1)	§	

MOTION TO COMPEL TEXPIRG TO ANSWER  
INTERROGATORIES; AND REQUEST FOR EXTENSION OF DISCOVERY

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

On December 18, 1979, Applicant served, by hand delivery, its Fourth Set of Interrogatories to TexPirg. Under the provisions of 10 CFR §2.740(b), TexPirg's answers were due on January 2, 1980. To date, TexPirg has not filed answers to these interrogatories.

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.

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In this case, Applicant directed interrogatories to TexPirg in order to probe the bases for their contentions accepted by the Board on stipulation of the parties as noted in the Order of November 19, 1979. The information sought in these interrogatories is highly relevant and, to the best of Applicant's understanding, is not privileged. The interrogatories, therefore, should be answered in their entirety. Applicant's counsel made repeated inquiries of TexPirg concerning the lateness of its reply. TexPirg's attorney complained of numerous logistical problems in producing typed answers, and requested a 14-day extension. Counsel for Applicant advised Mr. Scott that Applicant would not file a motion to compel if the answers were received within 14 days, but counsel requested that any and all partial answers, typed or untyped, be forwarded as soon as they were completed. After a 21-day delay, TexPirg has not answered one single interrogatory and will not provide a date certain as to when they will answer.

Applicants prefer not to burden the Board with the details of discovery, but Applicant has been totally unable to work with TexPirg on an informal basis. TexPirg's refusal to fulfill informal commitments leave Applicant no alternative but to ask the Board for assistance on a formal basis. In addition, TexPirg's failure to answer by January 2

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makes it impossible for Applicant to complete its discovery against TexPirg by the February 20 deadline. Accordingly, Applicant requests an extension of 30 days from the date of receipt of TexPirg's answers to complete discovery against TexPirg on the contentions in question.

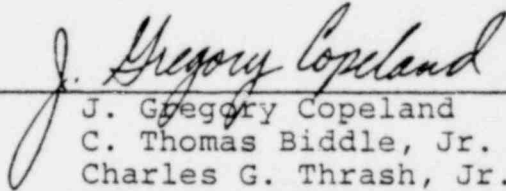
For the foregoing reasons, Applicant requests this Board to issue an Order in the form attached hereto compelling TexPirg to answer Applicant's interrogatories, and extending the time for Applicant's completion of discovery against TexPirg.

Respectfully submitted,

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	§	
	§	
HOUSTON LIGHTING & POWER	§	
COMPANY	§	Docket No. 50-466
	§	
(Allens Creek Nuclear	§	
Generating Station, Unit	§	
No. 1)	§	

ORDER

On January \_\_, 1980, Applicant filed a motion requesting the Board to issue an order compelling the Texas Public Interest Research Group (TexPirg) to answer Applicant's interrogatories. Applicant served interrogatories on Intervenor TexPirg on December 18, 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 January 2, 1980, for Intervenor TexPirg. TexPirg has not provided answers to these interrogatories nor has it 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.

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

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ORDERED that (1) within five days after the service of this Order, TexPirg shall provide complete answers to Applicant's interrogatories served under date of December 18, 1979, and (2) Applicant shall have 30 days from the receipt of said answers to complete its discovery against TexPirg on the contentions admitted by stipulation at the prehearing conference of October 15-19, 1979.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Sheldon J. Wolfe, Esq.  
Chairman

Dated at Bethesda, Maryland  
this \_\_\_\_\_ day of \_\_\_\_\_, 1980

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of §  
§  
HOUSTON LIGHTING & POWER COMPANY § Docket No. 50-466  
§  
(Allens Creek Nuclear Generating §  
Station, Unit 1) §

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion to Compel TexPirg to Answer Interrogatories; and Request for Extension of Discovery in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 24<sup>th</sup> day of January, 1980.

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Hon. Leroy H. Grebe  
County Judge, Austin County  
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