



Jan  
Feb. 28, 1980

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Sheldon Wolfe  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Ref. Docket 59-466

Sirs

TexPIRG is in receipt of HL&P's Motion to Compel regarding interrogatories submitted to TexPIRG. Apparently, TexPIRG's Answers to the interrogatories crossed the motion in the mail, since TexPIRG received the motion shortly after mailing the answer to interrogatories. In any case, TexPIRG views HL&P's motion as moot.

TexPIRG realizes the Board has said it would rather not have to deal with these questions, but we feel we must correct the impression left by Applicant's motion. Applicant writes of repeated contacts with TexPIRG's attorney yet those contacts simply consist of a call initiated by TexPIRG's Mr. Scott, and two short follow up calls by Applicant's counsel. TexPIRG does not understand why they believe they cannot work informally with TexPIRG. Apparently some miscommunication or misunderstandings have occurred between both parties.

TexPIRG originally contacted Applicant, informing them that I had been ill, which in combination with Christmas holidays had delayed our responses. Applicant informed Mr. Scott that an extension of two weeks would be acceptable. Approximately a week later, Applicant's counsel called Mr. Scott, at which time it became apparent that TexPIRG and Applicant misunderstood the date at which each party began 'counting' the two weeks. TexPIRG's counsel has no recollection of Applicant desiring to receive handwritten responses as they became available. Last week, HL&P's counsel again called Mr. Scott and asked whether the interrogatories had been mailed yet, and he replied that they had not been mailed yet, but that he understood they would probably be mailed within three days. Applicant's counsel indicated that was not satisfactory. In any event, we believe TexPIRG has tried to co-operate with Applicant, and we are sorry if the misunderstanding here has delayed matters or taken up the Board's time. The interrogatories, in many cases, are complex and we have tried to take time to give complete and responsive answers.

Applicant asks for an extension of discovery time (which by our calculation totals up to about a week); however, we oppose the extension unless other parties are also given such an extension of time. TexPIRG has informally granted a unilateral extension of discovery time on its original contentions to Applicant already, such that Applicant can continue to engage in discovery on those contentions. But we are wary of supporting another one-sided extension of discovery because of our uncertainty as to the future schedule of the proceedings.

Sincerely,

copies: all parties

Clarence Johnson, Executive Director

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