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DOCKETED
USNRC
FEB 29 1980
Office of the Secretary
Docketing & Service
Branch

February 29, 1980

Marshall E. Miller, Esquire
Michael L. Glaser, Esquire
Sheldon J. Wolfe, Esquire
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Hand-delivery

Re: Houston Lighting & Power Company
(South Texas Project, Units 1 and 2)
Docket Nos. 50-498A, -499A
Texas Utilities Generating Company
(Comanche Peak Steam Electric Station;
Units 1 and 2) Docket Nos. 50-445, -446A

Gentlemen:

At approximately 6 p.m. last night counsel from Houston Lighting & Power Company (Houston) received a Joint Motion of the Department of Justice and the Nuclear Regulatory Staff for Modification of Board Orders Regarding Protection of Settlement Discussions and for an Order to Compel Production of Certain Documents and Testimony. Accompanying that Motion were a cover letter and proposed order requesting that Houston respond on the merits by March 3, with a conference call on March 4.

Although Houston agrees in principle to an accelerated briefing schedule in connection with the disposition of the Motion, the proposed schedule is simply too short to prepare an adequate response. The Motion seeks testimony concerning and production of highly confidential documents which Houston and/or other affected utilities have prepared in the course of negotiations attempting to resolve the dispute underlying this proceeding. Thus, counsel for Houston will have to coordinate its reply with responsible corporate officials. Moreover, senior counsel for Houston has irrevocable engagements out of the city which necessarily prevent him from working on Houston's response within the schedule proposed by the Movants.

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For these reasons, Houston requests that the Board order the following accelerated briefing schedule:[1]

March 7, 1980 - Responses to Motion hand-delivered to Board and Movants

March 10, 1980 - Telephone Conference Call With Board To Be Scheduled at the Board's Convenience by the Department of Justice

A proposed order implementing this schedule is attached.

Sincerely,

William J. Franklin

William J. Franklin
Attorney for Houston
Lighting & Power Company

Enc.
cc: All counsel of record

1/ In its February 12 Motion to compel further production from the Department of Justice, Houston requested, and the Board approved, an accelerated briefing schedule substantially equivalent to that requested here.

UNITED STATED OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of HOUSTON LIGHTING & POWER COMPANY, et al. (South Texas Project, Units 1 and 2)	)	Docket Nos. 50-498A 50-499A
TEXAS UTILITIES GENERATING COMPANY, et al. (Comanche Peak Steam Electric Station, Units 1 and 2	)	Docket Nos. 50-445A 50-446A

ORDER ACCELERATING RESPONSES TO DEPARTMENT OF JUSTICE AND THE NUCLEAR REGULATORY COMMISSION STAFF'S MOTION TO COMPEL

(February 29, 1980)

On February 28, 1980, the Department of Justice and the Nuclear Regulatory Commission Staff ("Movants") filed their Motion for Modification. Copies of that motion and an accompanying cover letter were hand-delivered to the Board, Houston Lighting & Power Company and Texas Electric Utilities Generating Company on that date. Houston delivered a response to the Board on February 29, saying that the briefing schedule proposed by the Movants was insufficient to prepare a meaningful response.

The Board finds that Movants have stated good cause for an acceleration of the time within which responses should be filed to this matter. However, the Board feels that Houston should be afforded the same time to reply which it earlier sought for the Department of Justice. Therefore, pursuant to 10 CFR §2.711(a), The Board orders the following schedule be adopted:

March 7, 1980	Responses hand-delivered to Board and Movants.
March 10, 1980	Conference call.

Counsel for the Department shall be responsible for arranging the conference call among the Board, any party responding to the motion, and itself.

It is so Ordered.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

_____

Dated at Bethesda, Maryland
this 29th day of February 1980.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
HOUSTON LIGHTING & POWER COMPANY, et al.	)	Docket Nos. 50-498A 50-499A
	)	
(South Texas Project, Units 1 and 2)	)	
	)	
TEXAS UTILITIES GENERATING COMPANY, et al.	)	Docket Nos. 50-445A 50-446A
	)	
(Comanche Peak Steam Electric Station, Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing:

Letter to Board from William J. Franklin with attached proposed order

dated February 29, 1980 was served upon the following persons, by hand*, or by deposit in the United States Mail, first class postage prepaid, this 29th day of February, 1980.

William J. Franklin

William J. Franklin

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