

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. 50-498 OL  
  §                               50-499 OL  
(South Texas Nuclear               §  
Project Units 1 and 2)            §



APPLICANTS' RESPONSE TO CCANP'S  
MOTION FOR EXTENSION OF TIME TO ANSWER  
SECOND INTERROGATORIES OF APPLICANTS

Houston Lighting & Power Company, Project Manager of the South Texas Project, acting on behalf of itself and the other Applicants, the City of San Antonio, Texas, acting by and through the City Public Service Board of the City of San Antonio, Central Power and Light Company and the City of Austin, Texas, (hereinafter "Applicants") files this response to "Citizens Concerned About Nuclear Power, Inc. Motion for Extension of Time to Answer Second Interrogatories of Applicants" served by Certificate of Service dated March 2, 1980.

Applicants regret having to burden the Board with this response; for we do not oppose the extension of time sought by CCANP. The subject pleading, however, requires a

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response for two reasons:

1. The pleading mischaracterizes Mr. Biddle's response to Mr. Sinkin's question regarding the position of the Applicants on CCANP's request for an extension of time to respond to Applicants' second set of interrogatories. Mr. Biddle did not unconditionally acquiesce in CCANP's request for a 30-day extension as suggested in CCANP's Motion but, rather, indicated that Applicants would have to await CCANP's pleading before making a final judgment on whether an extension as long as 30 days was warranted.

2. The Motion is erroneously based on the premise that extensions of discovery requests should be routinely granted (a) for the convenience of the parties (" . . . Intervenors have literally thousands of pages of construction records to analyze."); and, (b) because certain NRC Staff documents (FES and SER) will not be available until the fall of 1982.

As to (a), it need only be said that the convenience of litigants cannot be dispositive on scheduling matters. There is, of course, a public interest in the timely conduct of the Commission's business. (See, e.g., Potomac Electric Power Company (Douglas Point Units 1 and 2) ALAB-277, 1 NRC 539, 552 (1975).

As to (b), the timing of the release of Staff documents and their relationship to the discovery process, the Commission's regulations contemplate that discovery may precede, by a very substantial time, the publication of the Staff's SER and FES. 10 C.F.R. 2.752 (especially footnote 1).

It is clear that the Motion is without merit. However, Applicants believe that in complex litigation of this type, reasonable accommodations should, where possible, be made on a case-by-case basis. In that context, Applicants pose no objection to the subject motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicants' Response to CCANP's Motion for Extension of Time to Answer Second Interrogatories of Applicants in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 6<sup>th</sup> day March, 1980.

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