

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))
_____)

APPLICANT'S RESPONSE TO MOTION
TO COMPEL FILED BY INTERVENOR MARRACK

On Monday, June 23, 1980, counsel for Applicant received a Motion to Compel filed by Mr. Marrack. Counsel also received for the first time a copy of the interrogatories which are the subject of the Motion to Compel. Although there was no cover letter explaining to counsel where the documents had come from, counsel presumes that they were sent by Mr. Marrack on Friday, June 20, as a result of a phone call to Mr. Marrack following receipt of his motion of June 11, wherein he objected to the taking of his deposition on June 20. The Board will recall that Mr. Marrack also failed to make proper service of that motion.

Accordingly, the reason for Applicant's failure to answer the May 8 interrogatories is quite obvious -- Applicant never received the interrogatories. For

that reason alone, the motion should be denied as premature. Having now read the interrogatories for the first time, Applicant believes that there are additional reasons for denying Mr. Marrack's motion. The interrogatories all relate to Rentfro Contention 2 which was admitted in the Board's Memorandum and Order of April 11, 1979. By virtue of the Board's Order of November 19, 1979, discovery on that contention was to be completed in December, 1979; therefore, the discovery request is untimely. Finally, the interrogatories seek information with respect to a document that appears to have been written by the NRC Staff. Applicant did not prepare the document referenced in the interrogatories and cannot answer any questions about the document.

For the foregoing reasons, the Motion to Compel should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Response to Motion to Compel Filed by Intervenor Marrack in the above-captioned proceeding were served on the following by deposit in the United States mail, postage pre-paid or by hand-delivery, this 24th day of June, 1980:

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