



RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	§	
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HOUSTON LIGHTING & POWER	§	Docket Nos. 50-4980L
COMPANY, ET AL.	§	50-4990L
	§	
South Texas Project,	§	
(Units 1 and 2)	§	April 9, 1982

APPLICANTS' OBJECTIONS TO CCANP'S
THIRD SET OF INTERROGATORIES

On April 2, 1982, Applicants received "CCANP's Third Set of Interrogatories to Applicants and Requests for Production of Documents." CCANP characterizes the interrogatories and requests for production* as concerning (1) the withdrawal of Brown & Root, Inc. (B&R) from the South Texas Project (STP) and (2) the "changeover from Brown & Root to Bechtel Power Corporation in the areas of design, engineering and construction management." Applicants object to all the interrogatories for the reasons set forth below.

On December 16, 1981, the Atomic Safety and Licensing Board (the Board) issued its Fourth Prehearing Conference Order which divided the hearing into phases and established schedules for the conclusion of Phase I. The issues to be

* Hereinafter referred to collectively as "the interrogatories".

*DSO's
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heard in Phase I included the "...organizational framework for continued construction, including consideration of plans for design, a review of past problems, project construction, future QA/QC activities, and HL&P management involvement." (Fourth Prehearing Conference Order, Docket Nos. 50-4980L and 50-4990L, slip op. at 4, December 16, 1981). The Board further determined that:

Discovery on the Applicants' new organizational plans will continue up to the end of the first hearing week (January 22). Responses are due 14 days after the requests for discovery, or February 5 at the latest.

Fourth Prehearing Conference Order, supra at 8.

Thus, discovery, which had long been closed in this proceeding, was reopened in a limited area for a limited period of time, i.e., all discovery requests had to be filed by January 22, 1982.

Even assuming arguendo that the interrogatories now filed by CCANP are within the scope of the reopened discovery, Applicants' primary objection is founded on the extremely late filing of such interrogatories. The January 22nd filing deadline was not chosen casually, but rather, reflected the input of the intervenors. At the prehearing conference on December 8, 1981, Applicants originally proposed ending Phase I discovery in late December (Tr. 9157). The Board Chairman specifically asked Mr.

Sinkin and Mr. Jordan if they had any objection to this proposal and Mr. Jordan, counsel for Citizens for Equitable Utilities, objected by indicating that more time was necessary to permit two rounds of discovery. After extensive on the record discussion, the Board and the parties agreed on the January 22nd date (Tr. 9158-61). CCANP has been aware of the January 22nd filing deadline since December 8, 1981, and did not object at the prehearing conference or at any time since to the establishment of this date. There is simply no excuse for CCANP's blatant disregard of the obligations of a party to proceed with discovery in a timely fashion.

The untimeliness of CCANP's interrogatories is underscored by their proximity to the start of hearings on the QA program and organization for completion of the Project by Bechtel and Ebasco. Given the thirty (30) day period permitted by the rules (10 C.F.R. §2.741) (all of which might be necessary to respond to CCANP's requests for production), any relevant documents might not be produced until May 3rd - thirteen (13) days after the initiation of Applicants' testimony on the general subject to which such documents might pertain. The absurdity of responding to discovery after one's witnesses have testified on the subject in question clearly illustrates the extreme untimeliness of CCANP's interrogatories. Similarly, Applicants

doubt that they could respond fully to CCANP's extremely broad and very burdensome interrogatories in the two weeks between their filing and the resumption of hearings -- a critical period reserved for trial preparation.

CCANP's submission of these interrogatories is also inconsistent with the NRC's Statement of Policy on Conduct of Licensing Proceedings, 13 NRC 452 (May 20, 1981) and must be objected to in the interest of fairness to Applicants. The Commission's Statement of Policy makes clear that:

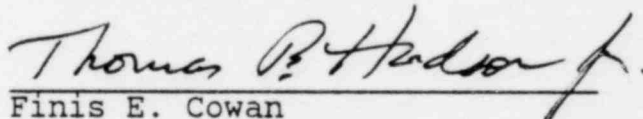
Fairness to all involved in NRC's adjudicatory procedures requires that every participant fulfill the obligations imposed by and in accordance with applicable law and Commission regulations. . . .the fact that a party may have personal or other obligations or possess fewer resources than others does not relieve that party of its hearing obligations. 13 NRC 454. (emphasis added).

The Policy Statement also notes that any requests "for an extension of time should generally be in writing and should be received by the Board well before the time specified expires." (13 NRC 454-5) CCANP has slept on its rights with respect to the filing of these interrogatories and has never sought an extension of time. This proceeding cannot be conducted in the fair, efficient and orderly fashion mandated by the NRC's Statement of Policy if parties are permitted to conduct discovery whenever they are so inclined -- in utter

disregard of Board orders, proximity of hearing dates and burdens imposed on other parties and their counsel.

In addition to the general objections made above, Applicants' brief review of the interrogatories reveals that many of the individual questions, or parts of questions, are impermissibly vague, irrelevant to any contention, repetitive of other interrogatories, unduly burdensome or otherwise objectionable. While these specific and numerous objections have not been detailed herein due to the more general objections stated above, Applicants hereby specifically reserve such objections.

Respectfully submitted,



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acting by and through the City
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of San Antonio, CENTRAL POWER
AND LIGHT COMPANY and CITY OF
AUSTIN, TEXAS

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NUCLEAR REGULATORY COMMISSION

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South Texas Project,
(Units 1 and 2)

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Docket Nos. 50-4980L
50-4990L

CERTIFICATE OF SERVICE

I hereby certify that copies of "APPLICANTS' OBJECTIONS TO CCANP's THIRD SET OF INTERROGATORIES" have been served on the following individuals and entities by deposit in the United States mail, first class, postage prepaid, on this 9th day of April, 1982.

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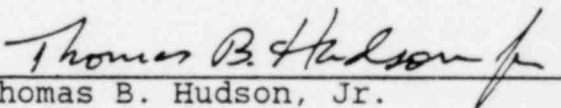
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* Served by Express Mail.