

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

HOUSTON LIGHTING & POWER COMPANY

(Allens Creek Nuclear Generating  
Station, Unit 1)

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Docket No. 50-466

JOHN F. DOHERTY'S MOTION TO POSTPONE DISCOVERY UNTIL AFTER THE  
NEXT SPECIAL PRE-HEARING CONFERENCE.

John F. Doherty, Intervenor in the above proceeding files this motion to allow himself sufficient time to prepare for the Special Prehearing Conference which Applicants seeks for September 20, 1979.

This motion is spurred by the fact applicant sent its first request for documents and interrogatories to Intervenor on August 3, 1979. This Intervenor maintains Applicants "First Interrogatories are calculated to interfere with his time available to amend contentions (as permitted and encouraged by a recent Board Order and are only secondarily involved with information gathering.

Applicant's interrogatories are merely questions about the wording of contentions accepted by the board and not at issue for the special pre-hearing conference to be held soon. These interrogatories could have been submitted long ago, as can be seen from the table below:

DATE OF ACCEPTANCE OF JOHN F. DOHERTY CONTENTIONS

<u>Contention #</u>	<u>Date</u>
3,5,6,7	April 23, 1979 (date appeal dismissed)
8	March 15, 1979
9	April 1, 1979

**POOR ORIGINAL**

Applicant has had a minimum of 3 months and 10 days to start discovery but has not done so.

Such delay would normally be evidence Applicant is not serious about this licensing. However Applicant has responded to "John F. Doherty's First Request for Admissions from Houston Lighting and Power Co." of April 17, 1979, that they do indeed seek a construction license.

Further evidence of Applicant's intent is that he requires

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recopy of Applicant's questions, without stating reasons. Applicant would thus send a private Intervenor through a secretarial exercise!

Applicant cannot be heard to say in reply that granting Intervenor's motions will delay proceedings. The fault for the slowness of the proceedings to date must lie in part with Applicant's insisting that only new evidence be accepted for intervention back in 1977. This Intervenor responded to the Board Order following ALAB-535 with contentions that in 7 cases were accepted by Applicant and Board. Thus, this Intervenor had demonstrated skill in detecting issues which should be part of the ACONGS record, and his other contentions should not be lost to public representation because he is tied up with discovery that can easily be accomplished following the special pre-hearing conference.

At the heart of any construction license proceeding is the contentions of the parties. This Intervenor requests he be excused from answering interogatories he has shown to be unnecessary at this time, in order to contribute more successfully to the heart of the matter before us. The motion, then, is to postpone discovery from Applicant to Intervenor, John F. Doherty, until after the special pre-hearing conference.

#### Certificate of Service

Copies of "John F. Doherty's Motion to Postpone Discovery Until After the Next Special Pre-Hearing Conference" were mailed by first class mail to the parties below on August 6, 1979.

Respectfully submitted,

*John F. Doherty*  
John F. Doherty 8/6/79

**POOR ORIGINAL**

SHELDON J. WOLFE, ESQ. (NRC)  
DR. E. LEONARD CHATUM, (NRC)  
GUSTAVE A. LINENBERGER, (NRC)  
RICHARD A. LOWERRE, (TEXAS)  
J. GREGORY COPLAND, ESQ. (APP.)  
J. GORDON GOUGH, ESQ. (APP.)  
STEVE SCHINKI, ESQ. (STAFF)

JAMES M. SCOTT (REMPER)  
CARO HINDERSTEIN, ESQ. (PRO SE)  
BRENDA MCCORMICK, ESQ. (PRO SE)  
WAYNE RENTFRO (PRO SE)

CHASE R. STEPHENS (NRC, Docketing  
and Service Sec.)