

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD SEP 12 P12:49

In the Matter of )  
(  
HOUSTON LIGHTING AND POWER )  
COMPANY, ET AL. )  
(  
(South Texas Project, )  
Units 1 and 2 )

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
Docket Nos. 50-498 BRANCH  
50-499 OL

CCANP MOTION TO PARTICIPATE IN  
STATE OF TEXAS DEPOSITION OF JEROME GOLDBERG

On August 22, 1983, Brian Berwick, representing the State of Texas in this proceeding notified the Applicants that he intended to take the deposition of Jerome Goldberg, HL&P Vice President for Nuclear Construction and Engineering.

In its notice, the State of Texas expressed its position that Citizens Concerned About Nuclear Power (CCANP) should be allowed to participate in the deposition.

On August 30, 1983, Jack R. Newman, representing Applicants replied to Mr. Berwick that Applicants would object to CCANP participating in the deposition because CCANP's time for discovery had ended.

From Mr. Berwick, CCANP learned that the deposition is now scheduled for September 27 in Houston, Texas. CCANP hereby moves the Board to protect CCANP's participation in the aforementioned deposition by issuing an appropriate ruling.

In general, parties at all times have the right of cross examination. To deny such a right would be to deny due process. The fact that discovery schedules for parties are staggered resulting in one party having a longer period for discovery than another party is not a circumstance which should preclude a party from enjoying all of its rights.

The State of Texas asked for and received additional discovery time regarding all parties. Only the NRC Staff opposed that request. If the State of Texas had noticed CCANP for a deposition, CCANP would not have objected to Applicants participating simply on the basis

Applicants' discovery time had run out. Similarly, CCANP sees no valid basis for objecting to the NRC Staff participating in the Goldberg deposition simply because their discovery time is exhausted.

CCANP contends that CCANP is entitled to participate in the State of Texas deposition and to conduct cross examination on any matters relevant to Phase II of this proceeding. By means of this motion, CCANP hereby notifies the Applicants of that intention.

For the above and foregoing reasons, CCANP moves the Board to grant CCANP's motion to participate in the State of Texas deposition of Jerome Goldberg.

Respectfully submitted,

*Lanny Sinkin*  
Lanny Sinkin

Counsel for Intervenor  
Citizens Concerned About Nuclear Power  
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Dated: September 9, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

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I hereby certify that copies of CCANP MOTION TO PARTICIPATE IN  
STATE OF TEXAS DEPOSITION OF JEROME GOLDBERG was served by deposit in  
the United States Mail, first class postage paid to the post office at  
individuals and entities on the 9th day of September 1983.

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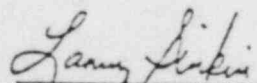
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