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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the matter of
HOUSTON L & P
(Allens Creek No. 1)

X
X
X

Docket No. 50-466
July 5, 1979

RESPONSE OF TEX PIRG TO APPLICANTS MOTIONS FOR FURTHER PROCEDURES
RELATING TO TEX PIRG INTERVENTION AND TO COMPEL FURTHER ANSWERS

The Applicant made motions on June 21 and 28 that relate to Tex PIRG's response to several items of discovery. The one correct issue raised relates to the fact that Tex PIRG should have either sworn or affirmed its answers per Section 2.740b(b). Tex PIRG will be glad to sign their past answers under oath, but would object to sending another set of 20 copies. The Applicant would get the sworn copy

The second issue relates to the status of Tex PIRG in the Allens Creek intervention. Tex PIRG is still a full party to the proceeding as an organization and not just as individual members. It is true that the U. of Houston attempted to prevent Tex PIRG from raising funds from the students by the "check-off" system, but that would only limit one way of raising funds and does not effect the status of Tex PIRG as an organization at all. It is also true that many people believe that the Applicant, Houston L & P, was behind the attempt to remove that source of funds as they believe they were behind the removal of funds that supplied the salary of Andy Samsom one of Tex PIRG's expert witnesses. Brown and Root, the Applicants prime contractor is also thought to be involved by some. It is admitted that a friend of the founder of Brown and Root recently bought out the Houston City Magazine and prevented the publication of an article that related to construction problems in the South Texas nuclear plant. It is the Texas tradition to use power, influence and money to help one's cause.

The third issue relates to Mr. John Doherty's status with Tex PIRG. He was hired as the Acting Executive Director early in 1979. He was hired as an employee (servant) and paid a salary. He was also given oral agency authority to act as a special agent for Tex PIRG for the limited and special purpose of having his deposition taken to answer questions for Tex PIRG and to sign the interrogatory that he signed on March 27, 1979. But he was not given any authority to act as a general agent for Tex PIRG nor to commit Tex PIRG to dropping any contentions such as the chlorine concentration issue. Neither has Tex PIRG ratified any action by Mr. Doherty that relates to dropping any contentions. Tex PIRG is not certain what Mr. Doherty may have said in his deposition since the Applicant has refused to let anyone, even Mr. Doherty, have or borrow a copy of his deposition to read it and make corrections. On June 1, 1979, Mr. Doherty quit working for Tex PIRG in any capacity and his authority to even answer depositions was terminated.

The fourth issue relates to the sufficiency of Tex PIRG's answers to interrogatories. Our short response is that Tex PIRG has made a good faith effort to answer the questions and believe that if the Board will read our responses it will agree. It will be impossible for Tex PIRG to give more detailed answers until it can find expert witnesses and the money to encourage them to do the necessary research. Applicant seems intent on embarrassment and oppression of Tex PIRG by repeatedly asking for more detail, then still more detail. Most of the questions relate to either items that the applicant has better access to the answers or to trial preparation materials. Yours truly,

James M. Scott, Jr.
James M. Scott, Jr.

Copies to parties & others for rules of procedure: James Scott, Jr.

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