

November 26, 1979

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) §

TO: Members of the Board
and All Parties

Enclosed is a corrected page 2 of the "Reply to
TexPirg Brief in Response to Applicant's Motion to Dismiss".
This corrected page should replace page 2 of the pleading
filed by Applicant on November 21, 1979.

By J. Gregory Copeland
J. Gregory Copeland
Attorney for
Houston Lighting & Power Company

1582 178

G 7912140 032

This statement stands in stark contrast to the fact that Mr. Scott signed the affidavit attached to those answers, and swore in the affidavit that he answered the interrogatories.^{2/} Applicant did, in fact, attempt to depose Mr. Johnson but he failed to appear on the date shown in the notice of deposition. Neither Mr. Johnson nor his attorney ever sought to explain this failure to appear nor did TexPirg move to quash the notice.^{3/}

II.

The situation facing the Applicant and, indeed, the challenge to the authority of this Board can be summarized as follows:

1. Mr. Doherty answered interrogatories as an officer of TexPirg and was subsequently deposed. TexPirg then disavowed Mr. Doherty's authority to answer questions on deposition about his answers to interrogatories. For this reason, the Board ordered TexPirg to resubmit their answers to interrogatories.

^{2/} See Applicant's Motion to Dismiss TexPirg, November 9, 1979, Exhibit A, p. 23.

^{3/} As discussed below, the attempt to depose Mr. Johnson would, in any event, have come to naught.