

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of X  
HOUSTON L & P X  
(Allens Creek, Unit 1) X

Docket



TEX PIRG AFFIDAVIT

THE STATE OF TEXAS X  
COUNTY OF HARRIS X

Before me, the undersigned authority, on this day personally appeared JEFF ALAN HUTTON and RICHARD HUNT, both to me well known, who, after being by me first duly sworn, did depose and say as follows:

1. That Richard Hunt is the President of TEX PIRG (statewide) and Chairperson of the Rice University Chapter of TEX PIRG.
2. That Jeff Alan Hutton is the Treasure of TEX PIRG (statewide) and President of the University of Houston Chapter of TEX PIRG.
3. That James Morgan Scott, Jr. was retained in mid 1978 to represent both TEX PIRG (statewide) and the University of Houston Chapter of TEX PIRG as their attorney in this proceeding (Docket No. 50-466).
4. That James Morgan Scott, Jr. has explained to us that DR 5-101 and DR 5-102 of the Code of Professional Responsibility for attorneys requires that he withdraw as attorney if he is to be a witness in the same case unless his withdrawal would work a substantial hardship on TEX PIRG because of his distinctive value as counsel.
5. That Tex PIRG wishes James Morgan Scott, Jr. to be an expert witness for it in these proceedings because it has been unable to

G

8104060603

DS03  
50/1

find any other expert witnesses that it can afford and that have the education and training required to be an expert in the safety phase of the proceeding.

6. That TEX PIRG wishes that James Morgan Scott, Jr. remain as its attorney despite our knowledge that the purpose of DR 5-102 is to protect TEX PIRG.

7. That a substantial and unreasonable hardship will be imposed on TEX PIRG unless James Morgan Scott, Jr. is allowed to be both expert witness and attorney for TEX PIRG because:

- (a) We have been unable to retain any other expert witness or attorney.
- (b) We are not able to afford any other expert witness or attorney.
- (c) We know of no other attorney that has the scientific training and education necessary to effectively cross-examine the expert witnesses of applicant on safety issues. James Scott has a MS in physics and BS degrees in Chemistry, physics and math.
- (d) No other attorney would have time to become familiar with the proceeding such that they could be effective.

*Richard Hunt*

Richard Hunt  
President of Tex PIRG (statewide)

*Alan Hutton*

Alan Hutton  
President of U.H. Tex PIRG

Sworn to and subscribed before me, this 22ND day of  
March, 1981.

*Curtis F. Nicholson*

Notary Public in and for  
the state of Texas

C. F. NICHOLSON  
Notary Public, State of Texas  
My Commission Expires February 19, 1984

CERTIFICATE OF SERVICE  
Mailed or hand delivered on  
March 23, 1981.

*James Morgan Scott, Jr.*

"SEAL"