

U. S. NUCLEAR REGULATORY COMMISSION

01101

RELATED CORRESPONDENCE

BEFORE THE FEDERAL NUCLEAR REGULATORY BOARD

In the matter of:

Houston Lighting & Power Co.  
(Allens Creek Unit #1)

Docket 790-477  
(June 26, 1979)

JOHN F. DOHERTY'S SECOND MEMORANDUM TO THE BOARD RE: DISCOVERY MATTERS.

Attached herewith, is a reproduction of a two page letter (reduced to one page) from University of Houston official Fred L. Brake to John F. Doherty (Intervenor in the above proceedings), terminating TexPIRG's principal (853) funding source. The letter is misaddressed as I resigned from the position of Acting Research Director as of June 1, 1979. Although at the start of my employment with TexPIRG (Intervenor in the above proceedings) I believed I was acting President, at a later meeting the title of my position was determined. No officer of the corporation or member of the board of directors may be a paid employee of TexPIRG.

In regard to discovery, it should be noted that the deprivation of funding is likely to ~~xxxxx~~ slow down the proceedings, because TexPIRG will have probably somewhat less resources to bring to bear on whatever is requested of it or attempted. This appeared to be a change in its status which pursuant to 10 CFR 2.740 e (1) (i) should be reported to parties. It appears to me to relate to matters stated in my first "Memorandum to the Board" in regard to the difficulty of obtaining expert witnesses due to various misfortunes recently befalling TexPIRG expert witness Andrew Sansone.

Because of the above events, I believe Intervenors will have a more difficult time presenting their case, and that such events and beliefs should be reported to the board. In addition, Staff's response to TexPIRG Contention #25 (Pg. 27), the reporting of possible harrassment is of great significance to all concerned.

Mailed to the parties listed below this 26<sup>th</sup> of June, 1979, *John F. Doherty*

**POOR ORIGINAL**  
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- JAMES SCOTT, ESQ (TEXPIRG)
- Wayne Bentfro
- Brenia McCorkle, Esq.
- Carro Hinderstein, Esq.
- Sheldon J. Wolfe, Esq. (NRC)
- Gustave A. Linenberg (NRC)
- Dr. E. Leonard Chertou (NRC)
- Docketing & Service Section (NRC)

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- Stephen Schinski, Esq. (Staff)
- Richard A. Lowerre, Esq. (Texas)
- R. Gordon Gosch, Esq. (Applicant)
- J. Gregory ...



Mr. John Doherty, Acting President  
Texas Public Interest Group  
University Center, Campus Activities  
University of Houston

Dear Mr. Doherty:

On October 15, 1973 the University of Houston and the Texas Public Interest Group, Inc., entered into a contractual agreement whereby the University would collect an optional student service fee for TEX-PIRG.

Per terms of the contract, Section IV,

"This agreement shall terminate in the event the total number of students authorizing the collection of the optional student service fee during the Spring and Fall semester of any calendar year after 1974 is less than thirty percent (30%) of the total number of students registered at the University for such Spring and Fall semester . . ."

The number of students authorizing the collection has ranged from 5.51% to 12.88%. Attached is a summary of the TEX-PIRG contributions from the Spring semester 1974 through the Spring semester 1979.

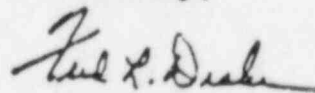
It is my understanding the question of terminating the contract arose in the Spring of 1977 and a continuance was granted through Spring 1978. At that time Mr. Clarence Johnson, State Research Director of TEX-PIRG was to seek a new contract. The University has not received any correspondence regarding a new contract.

Mr. John Doherty  
June 7, 1979  
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As of this date, the University is terminating its contract with the Texas Public Interest Group, Inc. Thus, beginning with the Fall semester, 1979, the TEX-PIRG fee option will no longer appear on the schedule fee statement.

Should you wish to discuss the above action, please do not hesitate to call me at extension 4939.

Sincerely,



Fred L. Drake  
Vice Chancellor

/tw

Attachment

cc: Dr. Barry Munitz, Chancellor  
Dr. Barry Sharp, Vice Chancellor, Dean of Students  
Mr. Jim Bishop, Controller  
Mr. Paul Szczesniak, Campus Activities Director