

5/19/82

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) §

APPLICANT'S MOTION TO STRIKE "INTERVENOR
DOHERTY'S REPLY TO APPLICANT'S RESPONSE
TO THE DOHERTY MOTION TO ADD CONTENTION 58"

On April 22, 1982, after the record was closed, Intervenor Doherty filed a motion to add a new Contention 58 for litigation in this proceeding. On May 7, 1982, the Applicant filed a response opposing that motion and on May 12, the Staff also filed a response in opposition. Now Mr. Doherty seeks to have the Board consider a "Reply" to the Applicant and Staff responses.

The rules of practice before this Commission state clearly that a party may not file a reply such as the one submitted here by Mr. Doherty. 10 C.F.R. § 2.730(c); Detroit Edison Company (Enrico Fermi Atomic Plant, Unit 2), ALAB-469, 7 NRC 470, 471 (1978). Mr. Doherty has been a party to this proceeding for well over three years and should be expected to adhere to the Commission's rules. The instant filing being in clear violation of those rules,

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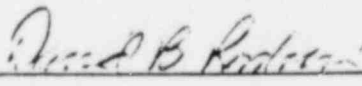
Applicant respectfully requests that the Board strike Mr. Doherty's "Reply" and that it be given no weight in the Board's deliberations on Contention 58.*

Respectfully submitted,

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*/
Applicant does not believe that anything in Mr. Doherty's "Reply" could possibly lead the Board to rule in Mr. Doherty's favor. Nevertheless, in light of its clear illegality, the Applicant has not expended the considerable time and effort necessary to reply in writing to the various novel assertions contained in this latest Doherty filing. If the Board decides to consider this filing in ruling on Contention 58, however, Applicant asks that it be given an opportunity to so respond, and will do so on an expedited basis.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicant's Motion to Strike "Intervenor Doherty's Reply to Applicant's Reponse to the Doherty Motion to Add Contention 58" were served on the following by deposit in the United States mail, first class postage prepaid, this 19th day of May, 1982.

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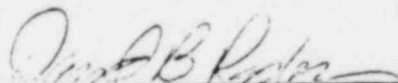
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