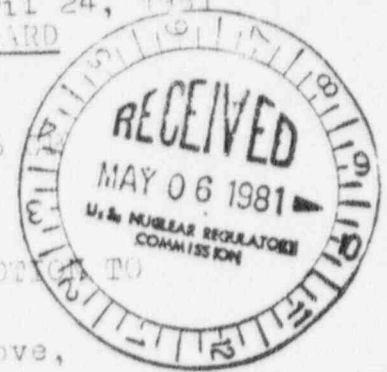


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION April 24, 1981
BEFORE THE NUCLEAR SAFETY & LICENSING BOARD

In the Matter of:

HOUSTON LIGHTING & POWER CO.
(Allens Creek Nuclear Generating
Station, Unit 1)

Docket No. 50-466



INTERVENOR DOHERTY'S MOTION IN REPLY TO APPLICANT'S "MOTION TO
PRECLUDE TESTIMONY OF JAMES M. SCOTT"

On April 22, Applicant filed a motion as quoted above,
basing its assertions on an Order of the Board (Hereafter:
Order) of April 7, 1981. The Motion was filed some six weeks
after it was announced at the hearing by this Individual that
Mr. Scott would be testifying on Doherty Contention #3. In receiv-
ing the Scott testimony, Applicant then decided to file the
above motion, or it appears Applicant read the testimony
before filing the subject motion.

In any situation, the gravamen of Applicant's assertion
is that somehow by the fact TexPIRG and this Intervenor both
oppose the licensing we are, in effect, the same party.
That is the only way application (as urged by Applicant) DR 5-102
(A) makes sense in this context. For, Applicant says that if
Mr. Scott is Doherty's witness, he is functioning in the
incompatible roles of both attorney and witness.

However, Doherty Contention #3 is a quite different case
than Baker Contention #1, or TexPIRG Contention #22. Cases are
identical with interests. TexPIRG has asserted no inter-
est in the design safety limit of fuel rods as has this Intervenor.

Nor does the rationale of DR 5-9 assist Applicant's case.
Instead it speaks to this Intervenor's worries. A weak case
is the Intervenor's concern, hardly Applicant's Counsel.

Finally, the Board's Order speaks for itself. Had it meant
this extension it would have included word's to that effect.
Hence calling for Briefs and Memoranda as urged by Counsel for
Applicant is unnecessary.

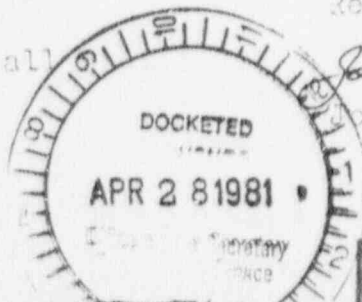
Therefore, this Intervenor urges the Board to deny Applicant's
Motion of April 22, 1981.

Respectfully,

Copies, this day to all
parties.

John F. Doherty
John F. Doherty, J. D.

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