

LOCAL PDR

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD



In the Matter of
HOUSTON LIGHTING AND
POWER COMPANY, ET AL.
(South Texas Project,
Units 1 and 2)

Docket Nos. STN 50-498 OL
STN 50-499 OL

MEMORANDUM AND ORDER
(June 8, 1979)

In our Prehearing Conference Order of April 3, 1979 (LBP-79-10), we indicated that further particularization and rewriting, and in some cases further information, was called for with respect to various contentions of CCANP and CEU. We suggested that those parties might wish to seek the assistance of the Staff and/or the Applicants and to attempt to reach agreement on the wording of various contentions. And, as modified by our Order of April 30, 1979, we called for a report on these matters by May 29, 1979.

By letter dated May 29, 1979, the Staff submitted a report on behalf of itself, CEU and CCANP. It stated that, on May 9 and 10, the Staff and Applicants had met with the representatives of CEU and CCANP, respectively, that tentative agreement was reached on some contentions, and that

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CEU and CCANP would attempt to supply additional information about other contentions. The Staff reported that both CEU and CCANP would redraft the contentions in dispute and forward them to the parties for their review and comment. Finally, the Staff, on behalf of itself, CEU, and CCANP, expressed the belief that additional time should be allowed by us for further discussions and negotiations which might lead to a stipulation among the parties as to the language of the contentions. It sought a reporting date of July 2, 1979, for this purpose, commenting that this schedule would not cause undue delay in the schedule of the proceeding inasmuch as the fuel loading date is currently estimated to be November, 1981.

As suggested by the Staff, CCANP and CEU each came forward with reformulated contentions (dated or served on May 24 and May 29, respectively). The Applicants submitted a report of negotiations on May 25. On June 5, they filed a letter in opposition to the Staff request for additional time to consider the contentions, and they also filed a response to the contentions of CCANP and CEU, opposing all of them except those as to which, they reported, agreement had been reached.

We are not as convinced as the Applicants about the invalidity of all contentions as to which agreement has not been reached. While many of them may include defects (technical or otherwise), there may also be matters of substance therein for which adjudication is warranted. Given the flexibilities of administrative adjudication, and the potential safety or environmental significance of some of the issues, we do not believe that cutting off negotiations at this time would be advisable. Moreover, in any event, we would not rule on the admissibility of the non-agreed contentions prior to receiving the Staff's views thereon. Finally, although we appreciate the Applicants' desire for greater certainty in their planning efforts, we find this desire to be outweighed by the public interest in thorough examination of issues which potentially could have significant safety or environmental implications, coupled with the extended period of time prior to projected fuel loading.

Accordingly, the Staff's request for additional time to consider contentions is granted. The Staff is given until July 2, 1979, to file a report as to the status of negotiations on various contentions. The Applicants are urged to participate in the further negotiations; if they change their position on any contentions, they may also

report to us. In its report, the Staff may wish to present its views on various outstanding contentions. We also wish the Staff to advise us as to the current projected issuance dates of the draft and final environmental statements and the Safety Evaluation Report and supplements. All parties are invited to suggest schedules for discovery and hearings in this proceeding.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD

Charles Bechhoefer
Charles Bechhoefer, Chairman

Dated at Bethesda, Maryland,
this 8th day of June, 1979.