



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
HOUSTON LIGHTING & POWER) Docket Nos. 50-498-OL
COMPANY, ET AL.) 50-499-OL
)
(South Texas Project,)
Units 1 & 2))

SUPPLEMENTAL MEMORANDUM

On April 17, 1979, applicants herein, Houston Lighting & Power Company, et al., filed a notice of appeal and supporting brief relating to the "Prehearing Conference Order Ruling Upon Intervention Petitions," issued by the Licensing Board in this proceeding, dated April 3, 1979, and served April 4, 1979. Applicants thereby appealed from, among other things, the grant by the Licensing Board of the petition to intervene of an organization called Austin Citizens for Economical Energy (ACEE):

if, within ten days of the service of this order, that organization files additional information as later described. (p. 6; see also pp. 46, 67-68)

ACEE's petition to intervene was "conditionally denied" pending the filing of such information. (p. 6)

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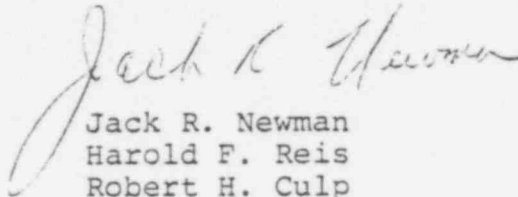
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The ten-day period expired on the same day as did the time for the applicants to file the notice of appeal and supporting brief; and at the time they filed those pleadings, applicants did not know whether ACEE would file the additional information. Because of this and in order to address the proceeding below "as a coherent whole, rather than piecemeal . . .," those pleadings assumed that ACEE would make a timely filing of the additional information. In effect, applicants thereby appealed the conditional grant of intervention to ACEE. However the notice of appeal stated that applicants would inform the Appeal Board whether or not the information was subsequently filed.

The ten-day period, together with an additional five-day period for service by mail, expired on April 19, 1979. Applicants have not been served with the information referred to and, in addition, understand the NRC Staff has been informally advised that ACEE has decided not to file that information. Consequently applicants assume that the conditional denial of ACEE's petition to intervene has ripened into a full denial and that the Appeal Board may treat as moot applicants' appeal from the conditional grant of ACEE's petition to intervene.

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Respectfully submitted,



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Project, acting herein on behalf
of itself and the other Applicants,
THE CITY OF SAN ANTONIO, TEXAS,
acting by and through the City
Public Service Board of the City
of San Antonio, CENTRAL POWER AND
LIGHT COMPANY and THE CITY OF
AUSTIN, TEXAS

Dated: April 27, 1979

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