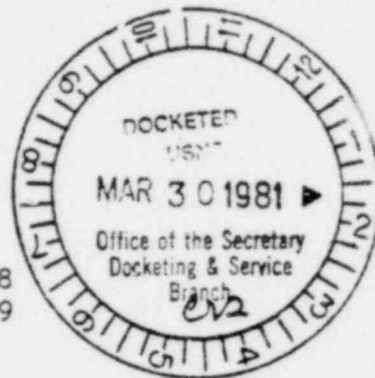


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

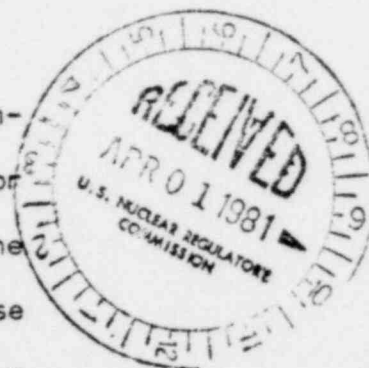
In the Matter of §
§
HOUSTON LIGHTING AND POWER §
COMPANY, ET AL §
§
(South Texas Project, Units 1 and 2 §

Docket Nos. 50-498
50-499



INTERVENOR NOTICE OF APPEAL

On March 17, 1981, at a prehearing conference, the licensing board in the instant proceeding considered intervenor motions for a ninety day extension of all deadlines and the expedited hearing date of May 4, 1981. The Board set these deadlines and the expedited hearing date by order of December 2, 1980.



The only relief granted by the Board was a ten day extension on the identification of witnesses. The Board did move the opening date of the hearing to May 12, but this decision resulted from Board scheduling conflicts. (Tr. at 358) While no formal order has issued containing this limited relief, the Board clearly intends to limit such relief as stated. (Tr. 389-396)

Intervenors appeal from the rulings of the Board in the matter of extension requests and contend that:

(1) Intervenors showed good cause for a substantial extension.

(2) The Board relief is inadequate.

(3) The Board's decision adversely impacts the goal of a complete record in the initial hearing by restricting the ability of intervenors to prepare for and participate in the hearing.

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(4) The Board's decision placed too much emphasis on prior room arrangements, personal schedule conflicts, and other matters of convenience rather than the basic reasonableness of the Intervenor request and hardships imposed on intervenors.

(5) The short period of time remaining until the set date for the initial hearing requires an expeditious resolution of this appeal.

By letter dated February 27, 1981 (Exhibit 1), Citizens for Equitable Utilities notified all parties of a requested extension of 90 days in the hearing schedule as set out in the Board's Order of December 2, 1980. Mrs. Buchorn requested this extension based on her extensive medical difficulties (Exhibit 2) and her status as the only representative of her organization with the expertise and experience to serve as intervenor in these proceedings. (Exhibit 3)

On March 9, 1981, Citizens Concerned About Nuclear Power, Inc. joined with CEU in the request for a 90 day extension. (Exhibit 4) CCANP requested this extension based on the withdrawal of legal counsel responsible for the intervention since November, 1980. Said legal counsel for reasons of illness and caseload had not pursued various matters essential to the development of a complete record in these proceedings and had then withdrawn two weeks prior to the March prehearing conference. CCANP had agreed in November, 1980 to the schedule as set out in the December 2, 1980 Order because said attorneys would be handling the case. Had CCANP had any reason to believe counsel would withdraw, CCANP would not have agreed to the May schedule as Mr. Lanny Sinkin, the only other representative of

CCANP with the expertise and experience to serve as intervenor, would be unavailable to participate in the expedited hearing in May. Mr. Sinkin is a first year law student with final examinations scheduled from May 4 through May 14. Under the current schedule the Board could well take up an issue given to intervenors by the Nuclear Regulatory Commission as alternative relief to a hearing on an Order to Show Cause or a motion to revoke under 10 C.F.R. § 2.206. Mr. Sinkin would thus be in a position of entering the hearing after testimony on this issue had begun and without adequate time to prepare.

In requesting the extensions, intervenors noted the fact that the part of the early hearing dealing with the SER had already been delayed by the inability of the NRC staff and the Applicant to agree over a period of two months upon a date for a site tour. This delay will result in the SER being issued in early April, 6-8 weeks after the mid-February date suggested in the Board Order of December 2. The portion of the hearing on the SER would then begin in late June after a suitable period for discovery based on the SER.

At the onset of the March 17 prehearing conference, all parties discussed the CEU and CCANP pending motions for extensions. The Board outlined a schedule of available time for the months of May through August, noting it could not meet beginning May 4 as scheduled but could meet the following two weeks in May and then three in June. The Board further noted that conflicting schedules would prevent any sessions in this proceeding during July and August. The Board suggested continuation of the hearings in September. (Tr. at 358)

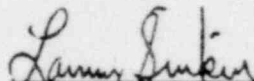
Intervenors attempted to accomodate the Board's scheduling difficulties by proposing the hearing open in June giving Intervenors a thirty day extension. (Tr. 379, 385)

After discussion concerning the pending motions, the Board ruled that the hearing would commence on May 12. (Tr. at 389) Intervenors contend that in reaching this decision, the Board overemphasized personal scheduling conflicts (Tr. at 358, 361, 377, 379) and the difficulty in reserving facilities for the hearing. (Tr. at 367, 396-397)

In so ruling, the Board has seriously restricted the ability of Intervenors to adequately prepare for and participate in this proceeding and seriously inhibited Intervenors from pursuing relief expressly granted to them by the Commission. Intervenors contend that good cause was shown for at least a thirty day extension until the first week in June and that the Board's availability for three weeks in June makes this request reasonable.

Based on the above and foregoing, Intervenors respectfully move the Atomic Safety and Licensing Appeal Board to grant Intervenors relief in the form of a thirty day extension on all deadlines and the hearing date.

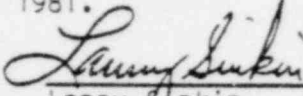
Respectfully submitted for
Citizens Concerned About
Nuclear Power, Inc. and Citizens
for Equitable Utilities,



Lanny Jinkin

Certificate of Service

I hereby certify that the foregoing INTERVENOR NOTICE OF APPEAL has been served on the following individuals and entities by deposit in the U.S. Mail, first class, postage prepaid on this 25th day of March, 1981.


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