LAW OFFICES

LOWENSTEIN, NEWMAN, REIS & AXELRAD, P.C.

1025 CONNECTICUT AVENUE, N.W.

WASHINGTON, D.C. 20036

202-862-8400

JACK R. NEWMAN
HAROLD F. REIS
MAURICE AXELRAD
KATHLEEN H. SHEA
J. A. BOUKNIGHT, JR.
MICHAEL A. BAUSER
DOUGLAS G. GREEN
DAVID G. POWELL

E. GREGORY BARNES
JANET E. B. ECKER
STEVEN P. FRANTZ
JILL E. GRANT
FREDERIC S. GRAY
ALVIN H. GUTTERMAN
HOLLY N. LINDEMAN
DAVID B. RASKIN
DONALD J. SILVERMAN

ROBERT LOWENSTEIN
OF COUNSEL

June 8, 1983

Charles Bechhoeffer, Esquire
Chief Administrative Judge
Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. James C. Lamb, III
Administrative Judge
313 Woodhaven Road
Chapel Hill, North Carolina 27514

Ernest E. Hill
Administrative Judge
Lawrence Livermore Laboratory
University of California
Post Office Box 808, L-46
Livermore, California 94550

RE: Houston Lighting & Power Co. et al.
South Texas Project, Units 1 & 2,
Docket Nos. STN-50-498, STN-50-499

Dear Members of the Board:

Applicants have reviewed the letter and pleadings filed by CCANP on June 2, 1983 and offer the following comments:

(1) The Board's May 11, 1983 Memorandum and Order.*/ granted CCANP until May 31, 1983 to respond to the substantive arguments raised by the NRC Staff and Applicants in

---

*/ Memorandum and Order (Granting in part CCANP's request for an extension of time to respond to various motions) (May 11, 1983).

D503

opposition to its Motion for New Contention on Applicants' financial qualifications. On June 2, CCANP filed a document styled as a supplement to its motion.*/ In Applicants' view, CCANP's pleading still fails to identify any special circumstances with respect to the South Texas Project which would justify a finding that the 1982 amendments to the financial qualifications regulations would not serve their intended purpose in this case. Since CCANP made no new arguments in its pleading, Applicants do not believe an additional response on their part is necessary. However, we do wish to point out that although CCANP had previously requested that the Board defer ruling on its motion so that it could cure the failure to submit a sworn affidavit pursuant to 10 CFR § 2.758,**/ CCANP has still not submitted the affidavit required by 10 CFR § 2.758. Applicants believe that CCANP's Motion for New Contention is ripe for decision and should be denied.

(2) Although the Board granted CCANP's request for an extension of time to respond to Applicants' Motion to Compel Answers to its Sixth Set of Interrogatories and for Leave to File Additional Interrogatories to CCANP (April 18, 1983),***/ CCANP has failed to respond and has now stated that it does not intend to respond.****/ Applicants therefore believe that their motion to compel is ripe for decision, and should be granted.

(3) Finally, on June 2, CCANP also filed a document styled as CCANP's Response to Applicants' Motion to Compel Answers to its Seventh Set of Interrogatories and Requests for Production of Documents to CCANP, but purporting to respond to Applicants' Seventh Set of Interrogatories. The Board had granted CCANP until May 31, 1983 to respond either

---

*/ CCANP Supplement to March 18, 1983 Motion for New Contention (dated May 30, 1983, and filed June 2, 1983).

**/ CCANP Motion for Deferral of Rulings and Extension of Deadlines at 1-2 (April 20, 1983).

***/ Memorandum and Order at 4 (May 11, 1983).

****/CCANP Letter to the Board (June 2, 1983).

to Applicants' interrogatories or their motion to compel. Although on their face CCANP's answers are not responsive to Applicants' questions, Applicants are still considering whether to pursue more responsive answers. Accordingly, Applicants request that the Board not rule on their motion to compel.

Respectfully submitted,

Jack R. Newman

Of Counsel:

Lowenstein, Newman, Reis
& Axelrad, P.C.
1025 Connecticut Avenue, NW
Washington, D. C. 20036

Baker & Botts
3000 One Shell Plaza
Houston, Texas 77002

Attorneys for HOUSTON LIGHTING & POWER COMPANY, Project Manager of the South Texas Project, acting herein on behalf of itself and the other applicants, 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 CITY OF AUSTIN, TEXAS.

cc: Certificate of Service

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicants' letter to the Atomic Safety and Licensing Board dated June 8, 1983, have been served on the following individuals and entities by deposit in the United States mail, first class, postage prepaid, on this 8th day of June, 1983.

Charles Bechhoefer, Esq.
Chairman, Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James C. Lamb, III
Administrative Judge
313 Woodhaven Road
Chapel Hill, NC 27514

Ernest E. Hill
Administrative Judge
Lawrence Livermore Laboratory
University of California
P.O. Box 808, L-46
Livermore, CA 94550

Mrs. Peggy Buchorn
Executive Director
Citizens for Equitable
Utilities, Inc.
Route 1, Box 1684
Brazoria, TX 77422

Brian Berwick, Esq.
Assistant Attorney General
for the State of Texas
Environmental Protection
Division
P.O. Box 12548, Capitol Station
Austin, TX 78711

William S. Jordan, III, Esq.
Harmon & Weiss
1725 I Street, N.W.
Washington, D.C. 20006

Kim Eastman, Co-coordinator
Barbara A. Miller
Pat Coy
Citizens Concerned About
Nuclear Power
5106 Casa Oro
San Antonio, TX 78233

Lanny Sinkin
2207-D Nueces
Austin, TX 78705

Robert G. Perlis, Esq.
Office of the Executive Legal
Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555