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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges
Charles Bechhoefer, Chairman
Dr. James C. Lamb
Ernest E. Hill

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

ASLBP No. 79-421-07 OL

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

March 13, 1984

MEMORANDUM AND ORDER
(CCANP Motion for Reconsideration of
Board Memorandum and Order of July 14, 1983)

On March 8, 1984, CCANP filed a motion for us to reconsider our Memorandum and Order of July 14, 1983, LBP-83-37, 18 NRC 52, which rejected CCANP's motion to add a financial qualifications contention to Phase II of this proceeding. (On August 16, 1983, we denied a prior reconsideration motion. LBP-83-49, 18 NRC 239.) The primary basis for each of our rulings was a new rule which barred consideration of such contentions in proceedings such as this one.

CCANP's current reconsideration motion is founded upon a recent judicial decision which declared the Commission's new financial qualifications rule to be invalid. New England Coalition on Nuclear Pollution v. NRC, No. 82-1581 (D.C. Cir., February 7, 1984). Subsequent to that decision, however, the Commission issued a Statement of Policy

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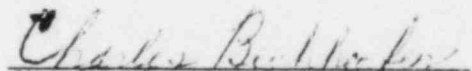
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on February 27, 1984, directing Licensing Boards "to continue to treat the [present financial qualifications] rule as valid." 49 Fed. Reg. 7981 (March 5, 1984). The Commission indicated that it expected to complete an "adequate response" to the court decision before the court issues its mandate (not expected before March 23, 1984).

Given this direction from the Commission, this Board will take no action on CCANP's current motion until after the Commission provides further guidance. Parties should not respond to CCANP's motion at this time.¹ Should further responses become appropriate, we will establish a schedule for such responses.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Dated March 13, 1984.

¹ The Applicants, Staff, and State of Texas were so advised by telephone on March 13, 1984.