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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

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

OFFICE OF SECRETARY
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BRANCH

SERVED MAR -1 1985

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

ASLBP No. 79-421-07 OL

February 28, 1985

MEMORANDUM

(Telephone Conference Call of 2/26/85)

On February 25, 1985, CCANP filed its "Comments on Staff Affidavit Re: Issue B * * *" in which it stated that it could not formulate its position on factual issues to be litigated in Phase II since it had not received "a complete set of the HL&P 50.55(e) reports and Staff responses since the close of the record in Phase I." Because the Board had assumed that all parties would have access to records of this type (particularly I&E reports) as a predicate to their responses concerning the Phase II competence issues to be litigated, the Board instituted a conference call to ascertain the status of the documentation available to CCANP. Participating were representatives of the Applicants, Staff, and CCANP. Of the Board members, only the Board Chairman participated. Judge Hill was unavailable and Judge Lamb could not be reached because

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of telephone connection difficulties. Judge Lamb agrees with the Board positions set forth in this Memorandum; Judge Hill is still unavailable.

CCANP has been on HL&P's distribution list for 10 C.F.R. § 50.55(e) reports. The Staff advised that there were no substantive Staff responses to these reports other than through I&E reports. CCANP has been on the distribution list for those reports as well.

CCANP believed that it had actually not been sent all of those reports, but it was not able to specify which ones it lacked. CCANP acknowledged that its representative had moved on several occasions and that the documents may have been misplaced in that process. It stated that it had asked the Staff to send it a complete set and understood that the Staff would do so, but the Staff stated that it understood CCANP's request to extend only to documents (if any) which CCANP lacked. The Board noted that, for its part, it had not received a few I&E Reports.

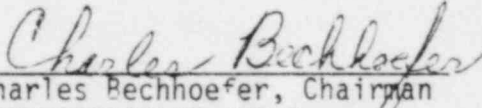
The Board pointed out that 50.55(e) reports are available in the Public Document Room. Given the circumstance that the documents were generated by the Applicants and had already been supplied to CCANP, the Board did not find it appropriate to require the Staff to furnish CCANP those documents. The Staff volunteered to furnish CCANP and the Board with any missing I&E reports. (The Board advised the Staff of the particular reports which the Board had not received.)

Because of the misunderstandings on documents between the Staff and CCANP, the Board permitted CCANP to include in its response on Issue B experience questions (scheduled for filing on March 11, 1985) factual

information derived from additional documents it receives and which it claims affects HL&P's competence. The Board permitted other parties to file additional responses by March 25, 1985.

The Board discussed briefly its proposed methodology for responding to the matters remanded by the Appeal Board in ALAB-799. The Board indicated that it would develop its own view on the appropriateness of considering former CEU Contentions 5-8 sua sponte but, if it desired the assistance of parties in analyzing any of those issues, would request the filing of parties' views. No party objected to that approach.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Charles Rechhoefer, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 28th day of February, 1985