

3/22/81



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE NUCLEAR REGULATORY COMMISSION

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

NOTICE OF APPEAL AND REQUEST FOR DIRECTED CERTIFICATION

On March 18, 1981, at a prehearing conference, the licensing board in the instant proceeding denied "INTERVENOR MOTION FOR ALTERATION OF BOARD ORDER DATED DECEMBER 2, 1980." (Attached hereto as Exhibit 1.) While no formal order has issued containing this denial, the Board clearly intends to issue such a denial and so ruled at the prehearing conference. The denial included both the request for relief and the request for certification of the issue to the Commission.



Intervenors file this motion in advance of the Board's formal order and directly with the Commission because:

(1) The real issue in this motion is a question of fact: What relief did the Commission intend to give Intervenors in the Commission's September 22, 1980 Memorandum and Order?

(2) The Order of December 2, 1980 (attached hereto as Exhibit 2) sets forth new issues in these proceedings.

(3) The Board accepted these issues in response to the Memorandum and Order noted in item (1).

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(4) The Board formulation and treatment of these issues denies intervenors relief specifically mandated by the Commission in said Memorandum and Order.

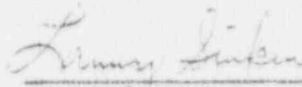
(5) The hearing on these issues is scheduled to begin on May 12, 1981.

(6) These matters require expeditious treatment.

Should the Commission decide the Appeal Board should hear this motion first, intervenors request the Commission so indicate to the Appeal Board. The Appeal Board is receiving service of this motion at the same time as the Commission to aid in achieving an early consideration and determination on the merits.

Intervenors move the Commission to reverse the Board denial of the motion and grant the relief requested in the motion or, in the alternative, that the Commission direct certification of the questions contained in the motion.

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

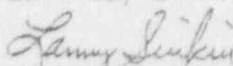


LANNY SYTKIN

March 22, 1981

Certificate of Service

I hereby certify that the foregoing NOTICE OF APPEAL AND REQUEST FOR DIRECTED CERTIFICATION 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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EXHIBIT 1

This Exhibit is the motion as filed with the Atomic Safety and Licensing Board except that attachment citations and attachments are added, the introductory history is corrected to include material typist left out, and the discussion is re-ordered to correct typist's incorrect ordering.