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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges
Charles Bechhoefer, Chairman
Dr. James C. Lamb
Frederick J. Shon

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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

October 4, 1985

MEMORANDUM AND ORDER
(Extension of Time to file Proposed Findings of Fact)

On September 30, 1985, CCANP filed a lengthy "Motion for Board Ordered Production of Documents, To Reopen the Record, for New Contention, for Discovery, and for Extensions of Time". As part of this Motion, CCANP seeks a two-week extension of time (from October 21, 1985 to November 4, 1985) within which to file its Phase II proposed findings of fact and conclusions of law. It states that the extension is needed because of the time which CCANP spent in preparing its motion, time which it would otherwise have had available for preparing its findings.

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By telephone call on October 2, 1985,¹ the Staff advised the Board that it had no objection to the requested extension of time, so long as the Staff received an equivalent extension. On the other hand, the Applicants, in a response dated October 4, 1985, opposed the extension. They asserted that we had already allowed CCANP more time for filing its proposed findings than specified by the NRC Rules of Practice (10 C.F.R. § 2.754(a)(2)) and that CCANP itself elected to use its time to prepare its motion rather than work on its proposed findings. They conclude that CCANP has not demonstrated "good cause" for its requested extension (see 10 C.F.R. § 2.711). The Applicants suggest that, when CCANP first became aware of the information giving rise to the motion, it should have advised us then to let us decide whether CCANP should spend its time preparing its motion or its findings. Finally, the Applicants claim that the timeliness of our Phase II decision is extremely important, since the issues are serious "and have been the subject of significant media interest".

We recognize that our Phase II decision should be issued in a timely fashion--although we question whether interest by the media would

¹ Because of the unavailability of one Board member during the week of October 7-11, and because of the practical desirability of our ruling on CCANP's request for an extension of time as soon as possible, we telephoned the Applicants and Staff on October 1, 1985, and asked them to provide their views on the requested extension of time (although not on the remainder of the motion) by noon Friday, October 4, 1985. Both of them did so.

affect whether or not a decision should be regarded as timely. We also recognize that CCANP does not have the resources available to it that other parties have, and that our ruling on its motion will depend, in part, on the motion's timeliness. Finally, we note that the grant of CCANP's requested extension will have no significant effect on our ability to complete this proceeding in a timely fashion--i.e., prior to the projected fuel-load date (December, 1986). As we have stated previously, it is important to us to have the benefit of CCANP's best effort in considering the serious issues in this proceeding (Memorandum and Order dated August 19, 1982). We warn CCANP (and other parties), however, that, as the time of fuel loading becomes nearer, that factor will assume greater importance in our consideration of any requested time extensions.

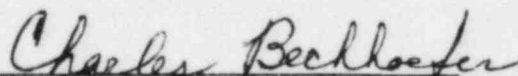
Without expressing any opinion on whether the time spent by CCANP in preparing its motion was well-spent, we hereby grant CCANP the two-week extension which it requested. Other parties' times for filing proposed findings and conclusions for Phase II are adjusted accordingly, as follows:

CCANP FOF
Staff FOF
Applicants' Reply FOF

November 4, 1985
November 18, 1985
November 26, 1985

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 4th day of October, 1985