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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  
Ernest E. Hill

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USNRC

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In the Matter of	ASLBP No. 79-421-07 OL
HOUSTON LIGHTING AND POWER COMPANY, ET AL.	Docket Nos. STN 50-498 OL STN 50-499 OL
(South Texas Project Units 1 and 2)	June 15, 1984

MEMORANDUM AND ORDER  
(Denying Reconsideration of Earlier Rulings Rejecting  
Proposed Financial Qualifications Contention)

In our Memorandum and Order dated March 13, 1984, we indicated that, pending further guidance from the Commission, we would take no action on CCANP's March 8, 1984 motion seeking to have us reconsider our earlier rulings which denied admittance to this operating-license proceeding of a financial qualifications contention. Our earlier rulings had been based on the provision of the Commission's regulations which precluded litigation of financial qualifications contentions in proceedings of this type. Subsequent to those earlier rulings, that provision was found by the U.S. Court of Appeals to have been improperly adopted by the Commission. New England Coalition on Nuclear Pollution v. NRC, 727 F.2d 1127 (D.C. Cir. 1984).

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The Commission has now issued a further Statement of Policy which makes it clear that financial qualifications contentions are to continue to be excluded from operating license proceedings. Financial Qualifications Statement of Policy, dated June 7, 1984, 49 Fed. Reg. 24111 (June 12, 1984). For that reason, we are denying CCANP's March 8, 1984 motion for reconsideration of our earlier financial qualifications rulings. If the Commission should modify its position to permit such contentions to be litigable in operating-license proceedings, we will entertain a further motion by CCANP on this question without further regard to its timeliness (as long as it is submitted within a reasonable time after CCANP becomes aware of any such policy change).

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For the reasons stated, it is this 15th day of June, 1984

ORDERED

That CCANP's Motion for Reconsideration of Board Memorandum and Order of July 14, 1983, is denied, without prejudice to its resubmittal under the conditions described above.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE