

April 28, 1982

Chairman Nunzio Palladino  
Commissioner John F. Ahearne  
Commissioner Victor Gilinsky  
Commissioner Thomas M. Roberts  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Appeal Board's Order of April 15, 1982; Appeal Board's Opinion of  
April 21, 1982; Communications to the Commission of April 20, 1982  
In the Matter of Houston Lighting and Power Co., et al  
(South Texas Project, Units 1 and 2)  
Docket Nos. 50-498 OL; 50-499 OL

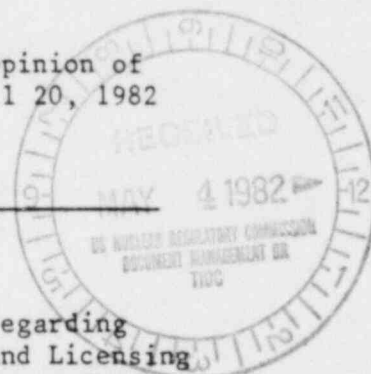
Dear Members of the Commission:

Yesterday we received the opinion of the Appeal Board regarding the removal of Judge Ernest E. Hill from the Atomic Safety and Licensing Board in this proceeding. Earlier, we received various documents from the Applicants, including a petition for review of the Appeal Board decision.

Frankly, we are not clear as to the status of the Applicants' communications, particularly its petition and motion. Either these documents are to be considered merely informational or they are to be considered as formally filed, in which case the time to respond began to run when they were served. To assure our response is considered prior to any rulings by the Commission, we are filing the attached Citizens Concerned About Nuclear Power (CCANP) Response to Applicants' Petition for Review of Appeal Board's Order of April 15, 1982 and Citizens Concerned About Nuclear Power (CCANP) Response to Applicants' Motion for Actions by the Commission in Light of Appeal Board's Order of April 15, 1982.

In their cover letter dated April 20, 1982, Applicants characterize the Appeal Board's Order of April 15 as reversing a decision of the two unchallenged members of the Atomic Safety and Licensing Board. In fact the Appeal Board's Order of April 15 specifically agreed with the ASLB quorum's denial of CCANP's motion for recusal. (Order, p. 2) The Appeal Board's Order of April 15 might be more accurately characterized as reversing Judge Hill's decision that there was no basis for him to recuse himself.

In the same letter, the Applicants note the conference call convened by the Licensing Board quorum on April 16. The Applicants' account of that call does not include our position. CCANP specifically argued for not reconsidering the quorum Board's decision to cancel the hearing scheduled for April 20. Our reasoning is set out specifically in the enclosed response to Applicants' motion for actions by the Commission.



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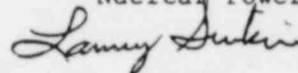
The Applicants' letter urged the Commission to avoid "unnecessary procedural delays" in reviewing the Appeal Board's Order. (Letter, p. 2) At the same time, the Applicants spoke of issues of law and policy raised by the Appeal Board's action as "so significant that they merit review and ultimate determination by the Commission itself, regardless of how persuasive the Appeal Board opinion proves to be." (Letter, p. 2)

CCANP respectfully suggests that should the Commission consider reviewing the Appeal Board's decision, such a step should not be made in haste. To decide to review the decision is to open the possibility the Appeal Board will be overturned. As argued in our response to Applicants' petition for review, the implications of such a decision to review are significant to the Commission and to CCANP's position in this proceeding.

As to the Applicants' position that they are harmed by delay in this proceeding, CCANP responds specifically to this argument in our enclosed pleadings.

CCANP believes the Commission is faced with a difficult situation and urges the Commission to respond deliberately and carefully to each decision to be made.

For Citizens Concerned About  
Nuclear Power,



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