

January 16, 1984

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Victor Gilinsky
Commissioner
Nuclear Regulatory Commission
Washington, D.C. 20555

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Dear Commissioner Gilinsky:

As I am sure you are aware, the South Texas Nuclear Project has been a licensing matter in litigation before the Nuclear Regulatory Commission for some time. A central issue in the licensing inquiry is the character and technical competence of Houston Lighting and Power, the Applicant.

More than a year ago, the partners in the South Texas Nuclear Project joined in filing suit against Brown and Root, the prime contractor on the nuclear project until its removal in late 1981. Brown and Root countersued charging management incompetence on the part of Houston Lighting and Power.

I am writing to suggest that the Nuclear Regulatory Commission staff should review the record of this law suit to date to see if there is evidence which would be of importance to the licensing board in reaching their decision on the license application.

I make this suggestion for three reasons. As with most intervenors, the intervenors in the South Texas proceeding have had little in the way of financial resources. Discovery and evidence presentations in the hearings have, consequently, been limited. In the law suit, on the other hand, millions of dollars are being spent to develop the evidence. The record of the law suit, therefore, contains much information which the intervenors could not bring to the attention of the licensing board.

The second reason for my suggestion is the precedent of the Three Mile Island case where NRC review of court evidence provided important new information about the performance of the applicant.

The third reason is that the judge in the case has placed a gag order over the evidence preventing public access to the documentation developed in the case. I am certain, however, that the judge would permit the NRC to review the documents. The NRC staff could then bring to the attention of the licensing board matters that no other party can provide.

The South Texas Nuclear Project licensing case is important not only as a nuclear power plant case but also because the case will define for the first time the meaning of corporate character in the nuclear context. In reaching such a definition and determination, the ASLB and through them the Commission should have available the most comprehensive record on the applicant. Reviewing the law suit would produce such a record.

Sincerely,

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