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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

HOUSTON LIGHTING AND  
POWER COMPANY, ET AL.

(South Texas Project,  
Units 1 and 2)

(  
)  
( Docket Nos. 50-498 W-28 A11:54  
) 50-499 DL  
(  
)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

CITIZENS CONCERNED ABOUT NUCLEAR POWER, INC. (CCANP)  
MOTION TO BE FOUND IN SUBSTANTIAL COMPLIANCE

On March 14, 1984, the Atomic Safety and Licensing Board in this proceeding issued their Partial Initial Decision (Operating License) (Phase I). LEP-84-13, ASLBP No. 79-421-07 DL (March 14, 1984).

On March 23, 1984, Citizens Concerned About Nuclear Power, Inc. (CCANP) filed its notice of intent to appeal from that decision.

On March 29, 1984, CCANP filed its motion requesting an additional ninety (90) days to prepare its appeal.

On April 17, 1984, the Atomic Safety and Licensing Appeal Board in this proceeding granted CCANP an additional sixty (60) days or until June 22, 1984.

On June 8, 1984, CCANP filed its motion requesting permission to expand its brief by 75 pages to a total of 145 pages.

The ASLAB granted CCANP an additional twenty (20) pages for a total of ninety (90) pages.

On June 25, 1984, CCANP sent its 118 page appeal to all parties. CCANP files this accompanying motion asking the ASLAB to consider CCANP's brief as substantially in compliance with both the time requirements and length requirements for CCANP's brief

on appeal.

Pursuant to 10 C.F.R. Section 2.762(a), the ASLAB has discretionary jurisdiction to accept CCANP's brief as substantially in compliance with the directives of the Commission. CCANP contends there are excellent reasons for the ASLAB to do so.

The delay in delivering this brief to the Appeal Board will be no more than four days. For a proceeding that has continued for more than five years, a few days delay is insubstantial.

CCANP moved for an additional ninety (90) days and the Appeal Board granted an additional sixty (60) days. CCANP asked for the amount of time it honestly believed would be required to produce a professional and thorough appeal of the Partial Initial Decision. The Appeal Board disagreed as to the amount of additional time but did grant some additional time, apparently finding merit in the substance of CCANP's motion. CCANP did its best to comply with the ASLAB decision. CCANP's chief representative has gone practically without sleep for the last week trying to complete the brief. As it is, CCANP only missed the ASLAB's deadline by a few days.

One of the results of CCANP rushing to meet the deadline set by the ASLAB was an inability to effectively coordinate all the efforts going into the appeal or to take the time to edit and condense as much as CCANP would have if more time had been available. The resulting brief is twenty-eight (28) pages longer than the limit provided by the ASLAB.

CCANP did ask for an expansion of the brief substantially greater than the ASLAB provided. The request came after CCANP had worked on the appeal for a lengthy period. The number of

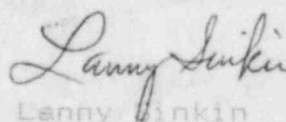
different subjects to be addressed and the pervasive error that appeared moved CCANP to seek a more than doubling of the normal brief size. CCANP's appeal brief is in excess of the limit specified by the ASLAB by less than half the amount requested for extension by CCANP.

The preparation of the CCANP appeal brief fell to four volunteers, three of whom are law students and the fourth a recent graduate of law school preparing to take the Bar Examination. (CCANP also had the benefit of two days consultation with outside counsel.) As a result, the coordination of the various efforts was a difficult task.

Finally, CCANP believes the ASLAB will find that the brief as submitted is a substantive contribution to this proceeding, presenting a viewpoint and analysis available nowhere else.

For the above and foregoing reasons, CCANP moves the Atomic Safety and Licensing Appeal Board to accept CCANP's Brief on Appeal from the Partial Initial Decision as substantially in compliance with both the timeliness and length requirements of the Commission.

Respectfully submitted,



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Representative for  
Intervenor,  
Citizens Concerned About  
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June 23, 1984

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NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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CERTIFICATE OF SERVICE

I hereby certify that copies of CITIZENS CONCERNED ABOUT NUCLEAR POWER, INC. (CCANP) MOTION TO BE FOUND IN SUBSTANTIAL COMPLIANCE were served by deposit in the U.S. Mail, Express Mail (\*) or first class postage paid to the following individuals and entities on the 25th day of June 1984.

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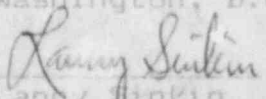
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