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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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

OFFICE OF SECRETARY
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BRANCH

SERVED MAY 28 1985

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

May 24, 1985

MEMORANDUM AND ORDER
(Applicants' Motion for Clarification
of Sixth Prehearing Conference Order)

On May 21, 1985, the Applicants filed a motion for clarification of the Licensing Board's Sixth Prehearing Conference Order, dated May 17, 1985. On May 24, we convened a telephone conference call to consider the motion. Participating were Judges Bechhoefer and Shon (Judge Lamb could not be reached), and representatives of the Applicants, CCANP, and the NRC Staff.

1. The Applicants' motion proposed to change one of the Quadrex Report items to be litigated from finding 4.3.2.1(1) to finding 4.3.2.1(n). The Board noted that the "1" designation was a typographical error and, without objection, adopted the proposed change.

2. The Applicants proposed to limit the litigation of the reportability of Section 4.3.2.1 of the Quadrex Report (as a significant QA breakdown under 10 C.F.R. § 50.55(e)(1)(i)) to finding 4.3.2.1(a), on

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the ground that the CCANP contention only relied on that one finding. The Staff supported that view.

CCANP reiterated its general position that the reportability of all "most serious" findings of the Quadrex Report should be litigated (including findings 4.3.2.1(b)-(o)). It also claimed that findings 4.3.2.1(c), (d), (i) and (n) were sufficiently related to (a) or to other findings accepted for litigation to warrant being considered.

The Board noted that the basis cited by CCANP for the contention was limited to finding 4.3.2.1(a). We concluded that finding 4.3.2.1(d) was sufficiently related to (a) to be included in the contention, but determined that no clear relationship of findings 4.3.2.1(c), (i) or (n) was apparent. (In any event, finding 4.3.2.1(n) is being considered on another basis.)

We ruled that adjudication of the reportability of Section 4.3.2.1 as a significant QA breakdown was to be limited to findings 4.3.2.1(a) and (d).

For the foregoing reasons, the Sixth Prehearing Conference Order is modified as follows:

1. The reference to finding 4.3.2.1(1) in paragraph 5 on page 12 of the Order is changed to 4.3.2.1(n).
2. The reference to finding 4.3.2.1 in paragraph 4 on page 11 of the Order is amended to read finding 4.3.2.1(a) and (d).

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Charles Bechhoefer
Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Dr. Lamb agrees with the rulings described in this Memorandum and Order.

Dated at Bethesda, Maryland
this 24th day of May, 1985