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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD



In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	Docket Nos. 50-445
COMPANY, ET AL.)	50-446
)	
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

APPLICANTS' ANSWER TO CFUR MOTION TO
AMEND SUPPLEMENT TO PETITION TO INTERVENE

On May 29, 1979, Citizens for Fair Utility Regulation ("CFUR") filed a second Motion for Leave to Amend the supplement to its petition to intervene. This motion apparently is a follow-up by CFUR to the confusion which arose at the prehearing conference on May 22, 1979, with respect to what in fact CFUR proposes as contentions in this proceeding. At first, CFUR filed a supplement to its petition to intervene dated May 7, 1979, setting forth its proposed contentions. Thereafter, on May 22, 1979, CFUR filed the motion to amend that supplement in which it recast several of its proposed contentions. Thereafter, by motion dated May 29, 1979, CFUR again sought to amend its supplement to the petition and to recast all of its proposed contentions.

This disorderly process by which CFUR seeks to amend and reamend its petition to intervene relating to contentions is totally inconsistent with the procedure contemplated by

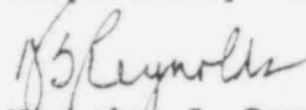
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10 CFR §2.714(b). Such amendments as these are required to be filed 15 days prior to the prehearing conference. While we recognize that the Licensing Board permitted CFUR to modify its position with respect to the Staff's proposed quality assurance/quality control contention within a few days after the prehearing conference (Tr. 116), the Board in our judgment did not contemplate that CFUR would take three weeks to clarify its position or to attempt to recast entirely each of its proposed contentions. Thus, we submit that the attempt by CFUR to do so should not be permitted, and that CFUR's instant motion should be denied.

In any event, we have attempted to review the proposed contentions set forth in CFUR's instant motion, and have compared those contentions with the material set forth in CFUR's supplement and first motion to amend. We have concluded on the basis of this review that our position as to whether or not CFUR has raised a valid contention remains unchanged, viz., that CFUR has raised no contention which meets the requirements of 10 CFR §2.714(b) as to specificity and supporting basis. The proposed contentions are vague, unsupported, irrelevant, or based upon hearsay, or are proscribed challenges to NRC Regulations.

Respectfully submitted,



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Counsel for the Applicants

June 13, 1979

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Answer To CFUR Motion To Amend Supplement To Petition To Intervene," dated June 13, 1979, in the captioned matter have been served upon the following by deposit in the United States mail this 13th day of June 1979:

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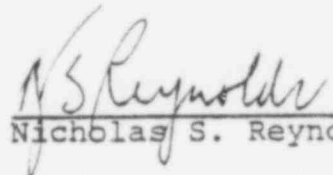
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