

CASE

(CITIZENS ASSN. FOR SOUND ENERGY)

October 30, 1979

P. O. Box 4123
Dallas, Texas 75208

214/946-9446, Dallas



Ms. Marjorie B. Ulman and
Mr. Larry Chandler
Counsels for NRC Staff
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Marjorie and Larry:

Subject: Dockets 50-445 and 50-446
Application of Texas Utilities
Generating Company for an
Operating License for Comanche
Peak Steam Electric Station
Units #1 and #2 (CPSES)

POOR ORIGINAL

In response to your letter dated October 4, 1979, there are several items which need attention:

1. Contention No. 7 (old Contention Nos. 9 and 17), Radiation Effects.

In reviewing our notes on the conference where we worked out the wording of the contentions, we believe we discussed thoroughly at that time exactly what we meant by this contention, and that the wording finally agreed upon after much discussion reflects what we wanted to cover by this contention. Further, the Staff agreed at that time that this was a valid contention.

In your 8/31/79 conference call, you indicated that you now feel that we are attempting to challenge Appendix I, which is not permissible. Frankly, we are at a loss to understand your change of stance at this point and would request an explanation.

Further, if the Staff insists on changing its support of this contention, we would like to revise our wording of the contention, for purposes of clarification only, to the following:

"Neither the Applicant nor the Staff has adequately considered the health effects of low level radiation on the population surrounding CPSES as required by 10 CFR 51.20 (c) and 10 CFR 50.57 (a)(6)."

This would not change the meaning as originally agreed upon and as outlined in our original bases but would clarify the exact meaning somewhat.

2. Contention No. 5 (old Contention No. 7), Spent Fuel. As I recall, Larry, in our 8/31/79 conference call, you stated that a "second German report" repudiates German Report No. 290. In reviewing the information we have, this does not seem

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to be the case. Please advise exactly what German report you are referring to, send us a copy of this second German report, and advise in which specific areas it repudiates Report No. 290. Here again, we request an explanation for the Staff's change in position.

3. Contention No. 10 (old Contention Nos. 12, 13, 14 and 15), Evacuation. We do not believe the wording in your October 4 Stipulation accurately reflects what I agreed to over the phone on 9/18/79. We request that the following wording be used to replace the wording of item 7, page 3, of your Stipulation:

"The parties stipulate to the consolidation of contentions 12, 13, 14, and 15 into the language of revised contention 10, as set forth in the Attachment, but agree to defer for the present, consideration of this contention in light of probable changes in Commission requirements regarding emergency planning, with the understanding that the Intervenor will be given the opportunity to pursue this contention in the operating license hearings at a later date, before the operating license is issued."

b. Item 4, page 2, of your Stipulation should read: "The Staff and Intervenor also agree that contentions 6 and 18 (combined) and 16....." etc. and "The Applicant does not agree that contentions 6 and 18 (combined) and 16....." etc.

5. Item 7, page 3, of your Stipulation should read "The parties stipulate to the consolidation of contentions 12, 13, 14 and 15 into the language of revised contention 10....." etc. This contention, when renumbered, would become No. 10 rather than No. 12.

6. The wording regarding Contention 2 should more accurately read: "Withdrawn; included in other contentions" or simply "Included in other contentions."

We would request new stipulations with corrected attachment referred to in the stipulations actually attached thereto and referenced as an exhibit before signing.

Thanks for your help in working out these problems.

Sincerely,

POOR ORIGINAL

CASE (CITIZENS ASSOCIATION FOR SOUND ENERGY)

Juanita
(Mrs.) Juanita Ellis
President

cc: Service List

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