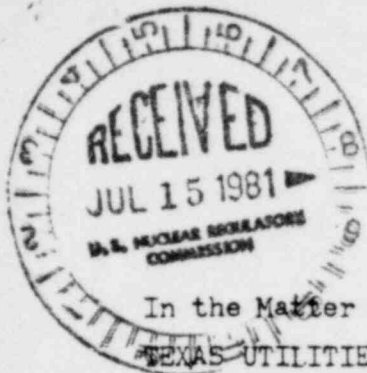


7/4/81



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

TEXAS UTILITIES GENERATING
COMPANY, ET. AL.

Docket Nos. 50-445
50-446

(Comanche Peak Steam Electric
Station, Units 1 & 2)

(Application for Operating
License)

CFUR's RESPONSE TO THE APPLICANT's (1)
ANSWER TO ACORN's MOTION FOR VOLUNTARY
DISMISSAL, AND (2) MOTION TO CANCEL
PREHEARING CONFERENCE

Pursuant to 10CFR§2.730(c), CFUR files this Response to the Applicant's (1) Answer to ACORN's Motion for Voluntary Dismissal, and (2) Motion to Cancel Prehearing Conference.

CFUR was notified on June 26, 1981, that the Prehearing Conference scheduled for July 8 and 9 would be cancelled and that the Board would rule on all pending motions. Since no hearing will be held, it is important that the positions of the parties be understood from the written motions on file.

CFUR's specific concern is that its position has often been misrepresented by the Applicants. Most recently on page 4 of Applicants' (1) Answer to ACORN's Motion for Voluntary Dismissal, and (2) Motion to Cancel Prehearing Conference, the Applicants state that the basic disagreement between CFUR and the Applicants is the interpretation of the clauses "the subject matter involved in the proceeding" and "those matters in controversy" contained in 10CFR§2.740(b)(1). This statement is a mischaracterisation of CFUR's essential position with regard to the discovery sought from the Applicants.

CFUR's positions are best found in its four motions to compel answers to its first four sets of interrogatories to Applicants. Those motions contain many arguments addressed to specific refusals of the Applicants to answer interrogatories. CFUR respectfully urges the Board to derive CFUR's arguments from its motions and not from general interpretations by the Applicants.

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As shown in CFUR's motions to compel answers to interrogatories, the Applicants have restrictively construed CFUR's Contentions and refused to answer interrogatories unjustifiably. Such restrictive actions by the Applicants not only ignore the plain wording of CFUR's Contentions but are in violation of the discovery policies of insuring fair disclosure of all relevant facts (Boston Edison Company, (Pilgrim Nuclear Generating Station, Unit 2), LBP-75-30, 1 NRC 579, 582(1975)); refining the issues to allow proper preparation for hearing (Pacific Gas and Electric Company (Stanislaus Nuclear Project, Unit 1), IBP-78-20, 7 NRC 1038, 1040(1978)); and requiring contentions only to give general notice of the issues raised. (Pennsylvania Power & Light Company et. al. (Susquehanna Steam Electric Station, Units 1 and 2), AIAB-613, ___NRC___, (September 23, 1980), slip op. at 30). See CFUR's Motion to Compel Responsive Answers to CFUR Interrogatories to Applicant, pp. 2-3.

Respectfully submitted,

Jeffery L. Hart by *R.L.F.*
Jeffery L. Hart, Esq.

CERTIFICATE OF SERVICE

I hereby certify that copies of "CFUR's RESPONSE TO THE APPLICANT's (1) ANSWER TO ACORN's MOTION FOR VOLUNTARY DISMISSAL, AND (2) MOTION TO CANCEL PREHEARING CONFERENCE" have been served on the following by deposit in the United States mail, first class, this 4th day of July, 1981.

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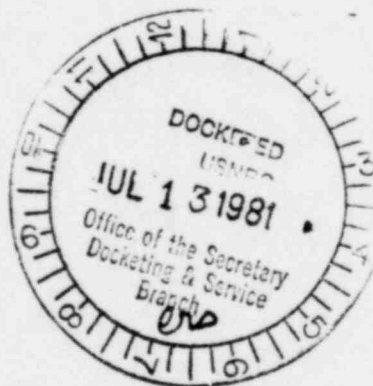
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