

WETA

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR
AN OPERATING LICENSE FOR
COMANCHE PEAK STEAM ELECTRIC
STATION UNITS #1 AND #2
(CPSES)

[illegible]

SUPPLEMENT TO CASE'S 5/21/82 MOTION
FOR RESCHEDULING HEARING ON CONTENTION 5

1. As predicted in CASE's 4/26/82 Motion for Reconsideration of Board's Order During Conference Call of 4/22/82 (page 3), we did not have time to ask Applicants any questions about the "Report of Independent Review and Analysis of QA Records Management Systems for Texas Utilities Services, Inc.," prepared by Ebasco Services Incorporated (June 16, 1981). We typed right up to the deadline for filing but simply did not have time to include questions in this regard in our 5/7/82 Eleventh Set of Interrogatories to Applicants and Requests to Produce.

2. As also predicted in CASE's 4/26/82 Motion for Reconsideration of Board's Order During Conference Call of 4/22/82 (page 5), we were unable to ask follow-up questions after receipt of the NRC Staff's 5/7/82 Additional Answers to CASE's Third Set of Interrogatories on Contention 5. We were advised verbally on Friday, 5/7/82, the last day for filing interrogatories and requests for documents (when CASE call Staff on another matter) that there were some items referenced in Staff's Answers which we should get from Applicants. However, we were not given specific details at that time as to what those items were, and we did not receive Staff's

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Additional Answers until the next day, Saturday, 5/8/82, one day after the deadline for filing interrogatories and requests for documents. (Even if we had received Staff's answers on 5/7/82, we would probably not have had time to include questions in this regard in our Eleventh Set to Applicants, as indicated in 1. above.)

3. CASE is not the only party having problems complying with the Board's schedule. Although the Board's Order called for discovery to be completed by 5/17/82, we are still receiving documents from Applicants requested in our Eleventh Set to Applicants, and there are still more documents yet to come.

For instance, Applicants' answer to our Questions regarding the items reported to the NRC under 10 CFR 50.55(e) necessitates CASE's reviewing documents and requesting others:

Question 49: "Provide a listing of all items reported to the NRC under 10 CFR 50.55(e). Include for each the numbers of all CAR's, DR's, DECD's, DCA's, DCRP's, NCR's, DDR's, I&E Reports, etc. which relate to each item reported."

Question 50: "Provide for inspection and copying all documents referenced in your answer to 49 preceding."

Question 51: "Provide for inspection and copying all concrete pour records, welding records, and other records applicable to the items referenced in your answer to 49. preceding. Please identify each one according to your answer in 49."

"For 50. and 51. preceding, you may provide originals or authenticated copies for copying and inspection. However, at this time we are not certain exactly which ones we will want copies of."

Answers: Applicants provided the answers to 49.

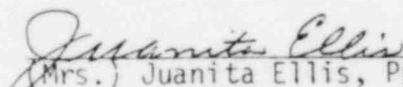
"50. Inspection & Enforcement Reports are a matter of public record. Copies are contained in the Public Document Room. Applicants will provide the remaining documents for inspection and copying."

"51. Applicants will provide these documents for inspection and copying upon specific request, after CASE's review of the documents provided in response to Interrogatory 50."

We did not receive the documents in answer to our Question 50 until Friday, 5/21/82 (yesterday), and must now review them and request additional documents following such review. Although we have now received most of the other documents requested, there are still a few to come. In addition, there is the strong likelihood that we will be forced to file a Motion to Compel in order to get answers to our Questions 101-105. (We discussed our position on this with Applicants in a telephone conversation 5/11/82, but in keeping with the Board's directives will discuss it again with them prior to filing our Motion to Compel. We have little hope of reaching agreement on this matter, however.)

The Board's schedule allowed no time for such follow-up actions, and this will add yet another burden to CASE's already impossible work load. While we recognize that Applicants, in response to the Board's directives, have been cooperative in supplying documents recently, especially during the past week, and while we appreciate their efforts, the fact remains that they were simply unable to comply with the Board's severe time restrictions as set forth in its recent schedule for discovery. This has resulted in an overwhelming last-minute deluge of documents which CASE must analyze during the time when we should be working on preparing our case.

Respectfully submitted,



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR AN
OPERATING LICENSE FOR COMANCHE
PEAK STEAM ELECTRIC STATION
UNITS #1 AND #2 (CPSES)

Y
Y
Y
Y
Y
Y

Docket Nos. 50-445
and 50-446

WCH

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of SUPPLEMENT TO
CASE's 5/21/82 MOTION FOR RESCHEDULING HEARING ON CONTENTION 5.

have been sent to the names listed below this 22nd day of May, 1982, by:
Express Mail where indicated by * and First Class Mail elsewhere.

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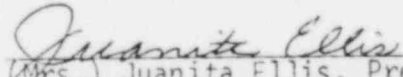
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