

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'83 MAR 28 P1:30

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	§	Docket Nos. 50-445 and
	§	50-446
TEXAS UTILITIES GENERATING	§	
COMPANY, <u>et al.</u>	§	(Application for
	§	Operating Licenses)
(Comanche Peak Steam	§	
Electric Station, Units	§	
1 and 2)	§	March 25, 1983

MOTION BY THE STATE OF TEXAS  
FOR STAY OF EVIDENTIARY HEARING

Jim Mattox, Attorney General of the State of Texas, hereby makes this motion under the provisions of 10 C.F.R. §2.703(b), §2.711(a), and §2.715(c) for a stay of the evidentiary hearing scheduled to begin April 4, 1983.

I. Introduction

The Attorney General of Texas is the chief legal representative of the State of Texas. On January 3, 1983, Jim Mattox was sworn into office as Attorney General of Texas. Since taking office, the Attorney General has worked earnestly to achieve a transition and assume the many duties of the Office of the Attorney General.

The State of Texas is an "interested state" in the Comanche Peak nuclear power plant licensing proceeding within the meaning

8303300411 830325  
PDR ADOCK 05000445  
G PDR

DS03

of 10 C.F.R. §2.715(c), and accordingly, will be afforded "a reasonable opportunity to participate and to introduce evidence, interrogate witnesses, and advise the Commission. . . ." As chief legal representative of the State of Texas, Attorney General Mattox desires to participate in these proceedings in the interest of protecting the health, safety and welfare of its citizens. Since taking office, the Attorney General has learned of serious allegations concerning the structure and integrity of pipe supports at Comanche Peak under normal operating conditions and in the event of a loss-of-coolant accident. Discovery of information concerning the merit of these allegations is highly complex and technical. The Attorney General is also concerned about the adequacy of emergency planning for the people of the State of Texas who live near the nuclear power plant. The Attorney General, on behalf of the State of Texas, hereby moves for a stay of the evidentiary hearing scheduled to commence April 4, 1983 in Fort Worth, Texas, for a period of ninety days, to allow the State an adequate time to avail itself of discovery on these allegations and to prepare for hearing.

## II. Discussion

The Nuclear Regulatory Commission staff recently completed a study of the allegations of faulty pipe supports made by Messrs. Walsh and Doyle. (NRC Inspection Report 50-445/82-26; 50-445/82-14). This report, the product of several months of

study by a special inspection team of the NRC, apparently confirms some of the pipe support allegations, finds that some allegations are "not substantiated," and finds that other allegations require further study. The parties to this proceeding have not been accorded a sufficient opportunity to meaningfully review and evaluate this technical report and supporting data. The State of Texas desires adequate time to prepare for the hearing presently scheduled to begin April 4, 1983.

Further, the County Judge for Somervell County recently raised concerns about the adequacy of the siren warning system in Somervell County. The State of Texas would like adequate time to prepare to address this issue at the hearing scheduled for April 4, 1983.

10 C.F.R. §2.703(b) provides that:

The time and place of hearing will be fixed with due regard for the convenience of the parties or their representatives, the nature of the proceeding, and the public interest.

The nature of the upcoming evidentiary hearing is highly complex and technical; fundamental questions of public safety are involved; and the Board has allowed the State inadequate time to prepare for these hearings. The Atomic Safety and Licensing Board has the authority under 10 C.F.R. §2.711(a) to extend the time limits to prepare for this hearing upon a showing of "good cause."

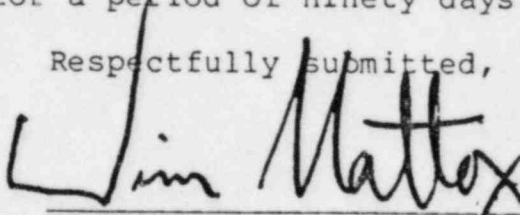
While recognizing that this motion will delay the hearing for a short time, as a matter of comity and in the interest of

developing a complete record, the Atomic Safety and Licensing Board should recognize the unique circumstances created by the electoral process in Texas, and allow the State of Texas a fair and adequate opportunity to prepare to participate in the hearings on the important health and safety questions involving the Comanche Peak nuclear power plant.

### III. Conclusion

For the foregoing good reasons, the Attorney General of Texas, on behalf of the State of Texas, requests a stay of the upcoming evidentiary hearing for a period of ninety days.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jim Mattox", is written over a horizontal line.

JIM MATTOX  
ATTORNEY GENERAL OF TEXAS

P. O. Box 12548, Capitol Station  
Austin, Texas 78711

DAVID RICHARDS  
Executive Assistant

JIM MATHEWS  
Chief, Environmental Protection  
Division

DAVID J. PREISTER  
Assistant Attorney General  
Environmental Protection Division

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'83 MAR 28 P1:30

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	§	Docket Nos. 50-445 and
	§	50-446
TEXAS UTILITIES GENERATING	§	
COMPANY, <u>et al.</u>	§	(Application for
	§	Operating Licenses)
(Comanche Peak Steam	§	
Electric Station, Units	§	
1 and 2)	§	March 25, 1983

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion by the State of Texas for Stay of Evidentiary Hearing in the above-captioned matter were served upon the the following persons by deposit in United States mail first-class postage prepaid, or by Federal Express where indicated, this 25th day of March, 1983:

Marshall E. Miller, Esq.  
Chairman, Atomic Safety and  
Licensing Board  
U.S. Nuclear Regulatory  
Commission  
4350 East/West Highway  
Bethesda, Maryland 20814  
(Federal Express)

Dr. Kenneth A. McCollom  
Dean, Division of Engineering  
Architecture and Technology  
Engineering - North III  
Oklahoma State University  
Stillwater, Oklahoma 74074  
(Federal Express)

Dr. Walter H. Jordan  
Administrative Judge  
881 W. Outer Drive  
Oak Ridge, Tennessee 37830  
(Federal Express)

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Lucinda Minton, Esq.  
Atomic Safety & Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Marjorie Ulman Rothschild, Esq.  
Maryland National Bank Bldg.  
7735 Old Georgetown Road  
Room 10105  
Bethesda, Maryland 20014  
(Federal Express)

Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Nicholas S. Reynolds, Esq.  
Debevoise & Liberman  
1200 - 17th St., N.W.  
Washington, D.C. 20036  
(Federal Express)

Mrs. Juanita Ellis  
President, CASE  
1426 Polk Street  
Dallas, Texas 75224  
(Federal Express)

Lanny Alan Sinkin  
838 East Magnolia Avenue  
San Antonio, Texas 78212

Mr. John Collins  
Regional Administrator,  
Region IV  
U.S. Nuclear Regulatory  
Commission  
611 Ryan Plaza Drive  
Suite 1000  
Arlington, Texas 76011

Mr. Scott Stucky  
Docketing & Service Branch  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Mr. R. J. Gary  
Executive Vice President and  
General Manager  
Texas Utilities Generating Co.  
2001 Bryan Tower  
Dallas, Texas 75201

  
\_\_\_\_\_  
DAVID J. PREISTER



POWER AUTHORITY OF THE STATE OF NEW YORK

10 COLUMBUS CIRCLE

NEW YORK, N.Y. 10019

(212) 397-6200

TRUSTEES

JOHN S. DYSON

CHAIRMAN

GEORGE L. INGALLS

VICE CHAIRMAN

RICHARD M. FLYNN

JAMES L. LAROCK

ROLAND E. KIDDER



'83 MAR 28 A11:55

CITY OF NEW YORK  
ROCKETING & SERVICE  
BRANCH

LEROY W. SINCLAIR  
PRESIDENT & CHIEF  
OPERATING OFFICER

WALTER T. KICINSKI  
FIRST EXECUTIVE  
VICE PRESIDENT &  
CHIEF ADMINISTRATIVE  
OFFICER

JOSEPH R. SCHMIEDER  
EXECUTIVE VICE  
PRESIDENT & CHIEF  
ENGINEER

STEPHEN L. BAUM  
SENIOR VICE PRESIDENT  
& GENERAL COUNSEL

March 25, 1983

HAND DELIVERED

Honorable James P. Gleason  
Chairman  
Honorable Frederick J. Shon  
Honorable Oscar H. Paris  
Administrative Law Judges  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Re: Consolidated Edison Company of New York,  
Inc. and Power Authority of the State  
of New York (Indian Point Units 2 and 3),  
Docket Nos. 50-247 SP and 50-286 SP

Dear Administrative Law Judges:

As a part of completing discovery proceedings in this matter, I have spoken to Craig Kaplan, representing New York City Council members, Henry J. McGurran, NRC Staff lawyer, and Tom Farrelly, Con Ed's lawyer, about an examination upon oral questions of a prospective New York City Council member's witness, David A. Schlissel. All parties agreed to allow the deposition of David A. Schlissel to be taken on April 13th, after the date for submission of testimony on Question 6. This schedule reflects an accommodation to Mr. Kaplan. Mr. Kaplan has agreed to interpose no objection to licensees filing supplemental responsive testimony on matters raised by Mr. Schlissel, through April 16, 1983.

Licensees hereby respectfully request permission

8303300417 830325  
PDR ADOCK 05000247  
G PDR

DS03