

4/28/83

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONDOCKETED
UCMFCBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

83 MAY -2 A10:36

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)Docket Nos. 50-445
and 50-446MOTION FOR DISCOVERY
BY CASE REGARDING
"CAT REPORT"

Pursuant to 10 CFR 2.720(h)(2)(ii) and 2.720(h)(3), CASE (Citizens Association for Sound Energy), Intervenor herein, hereby files this, its Motion for Discovery by CASE Regarding the "CAT Report" (Construction Appraisal Team Inspection Report 50-445/83-18, 50-446/83-12). We request that discovery be allowed from both the Applicants and the NRC Staff.

In support thereof, we would show the following:

- (1) All of the interrogatories deal directly with matters contained in the "CAT Report," which it is CASE's understanding that the NRC Staff plans to submit for the record, and about which testimony will be given in both the May 16-20, 1983, and June 13-17, 1983, hearings in these proceedings. Although CASE believes that all of the issues discussed in the "CAT Report" deal directly with matters in controversy in these proceedings under CASE's Contention 5, there is also the possibility that CASE will file motions for new contentions if necessary regarding some of the matters raised in the "CAT Report."

CASE's Contention 5 states:

The Applicants' failure to adhere to the quality assurance/quality control provisions required by the construction permits for Comanche Peak, Units 1 and 2, and the requirements of Appendix B of 10 CFR Part 50, and the construction practices employed, specifically in regard to concrete work, mortar blocks, steel, fracture toughness testing, expansion joints, placement of the reactor vessel for Unit 2, welding, inspection and testing, materials used, craft labor qualifications and working conditions (as they may affect QA/QC, and training and organization of QA/QC personnel, have raised substantial questions as to the adequacy of the construction of the facility. As a result, the Commission cannot make the findings required by 10 CFR 50.57(a) necessary for issuance of an operating license for Comanche Peak.

In its 10/31/80 rulings, the Board construed Contention 5 to also cover the Inspection and Enforcement Reports identified by ACORN in its Offer of Proof of August 29, 1980.

Therefore, the discovery requests contained in the attached CASE's Fourth Set of Interrogatories and Requests to Produce to NRC Staff and CASE's Fourteenth Set of Interrogatories and Requests to Produce to Applicants are entirely relevant and necessary to a proper decision in this proceeding.

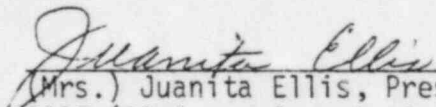
- (2) The answers to these interrogatories and the documents requested are not reasonably obtainable from any other source. All of the interrogatories and requests for documents are derived directly from information contained in the "CAT Report." All of the documents requested are referred to in the "CAT Report." We have attempted to identify and separate the documents and information which can be supplied only by the NRC Staff, as opposed to documents and information which can be supplied by the Applicants (which were reviewed by the CAT and/or relied upon by the CAT in making its Report).

Due to the press of time, we are limiting our discovery requests at this time to the matters which we believe will be covered in the upcoming May 16-20 hearings, either during cross-examination testimony or through direct testimony of CASE witness Jack Doyle. However, we do plan to file additional discovery requests regarding other portions of the "CAT Report" at a later time.

We request that the Board expedite consideration of CASE's Motion and responses to CASE's Motion and discovery requests. We are contacting Applicants and NRC Staff today to advise them of our requests so that they can begin their consideration of our Motions.

For the reasons stated herein, CASE moves that the Licensing Board grant CASE's Motion for Discovery regarding the "CAT Report" in its entirety.

Respectfully submitted,



(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk
Dallas, Texas 75224
214/946-9446