

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

APPLICANTS' ANSWER TO CASE
MOTION TO SUPPLEMENT THE RECORD

Pursuant to 10 C.F.R. §2.730(c), Texas Utilities Generating Company, et al. ("Applicants") hereby respond to "CASE's Motion to Supplement the Record", dated July 28, 1983. Therein, CASE seeks to have "admitted into the record" several documents. For the reasons set forth below, Applicants oppose CASE's motion.

II. APPLICANTS' ANSWER TO CASE MOTIONA. DOL Exhibits

The first set of documents which CASE seeks to have admitted into the record in this proceeding is exhibits already in the record in the Department of Labor proceeding regarding Mr. Atchison. CASE provides no basis for seeking to have this Board accept these exhibits into the record in this proceeding. Rather, CASE simply describes the exhibits (as relating to Mr. Atchison's qualifications) and states that it will not have an opportunity to move for admission of these documents into the record if further hearings on Atchison- related matters are not held.

Each of these documents relate specifically to the issues surrounding Mr. Atchison's dismissal from Comanche Peak. This Board has already ruled, however, that the Board is collaterally estopped from pursuing Mr. Atchison's termination in this proceeding by the Department of Labor determination on this matter. Thus, these documents relate to a matter which, for purposes of this proceeding, has already been resolved and is irrelevant to the remaining issues in this proceeding. In addition, CASE already submitted voluminous documentation regarding Mr. Atchison's employment evaluations at Comanche Peak. See Attachments to CASE Exhibit 650. CASE does not demonstrate here why these particular exhibits would provide any significant new information important to the resolution of issues yet to be decided in this case. Thus, the Board should find that these exhibits are simply cumulative and would not warrant admission in this proceeding even had the Board not already decided the Atchison matter. Accordingly, the Board should deny CASE's motion in this regard.

B. NRC I&E Reports

The remaining items which CASE seeks to admit into the record of this proceeding are I&E Reports regarding welding of pipe whip restraints and pipe supports at Comanche Peak performed by Chicago Bridge & Iron ("CB&I") and NPS Industries ("NPSI"). Each of these reports are cited by CASE in support of allegations raised by Mr. Atchison. In that context, and given that the board has issued a Proposed Partial Initial Decision in which the questions of CB&I and NPSI welding are identified as "open issues" (Proposed Decision at 42), CASE

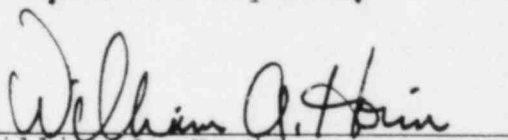
should pursue this matter in connection with its objections to the Proposed Decision. Thus, the Board should not admit these documents into the record simply for their own sake. Rather, the Board should consider and address the evidentiary status of such material in conjunction with its consideration of CASE's response to the Proposed Decision. In addition, this information is cumulative of material already in the record on these topics. Thus, it should not be admitted into the record absent a showing to the contrary, which CASE had not done. Accordingly, the Board should deny CASE's motion seeking immediate admission of these I&E Reports.

II. CONCLUSION

For the foregoing reasons, Applicants oppose CASE's motion to supplement the record and urge the Board to deny the motion in its entirety.

Respectfully submitted,


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August 9, 1983

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Answer to CASE Motion to Supplement the Record," in the above-captioned matter were served upon the following persons by mail, first class postage prepaid, this 9th day of August 1983.

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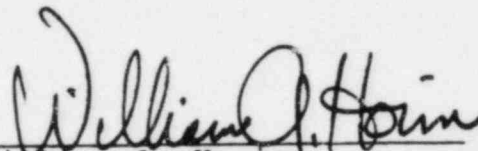
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