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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

April 5, 1984

DOCKETED
USNR

'84 APR -5 P4:27

In the Matter of :
:
TEXAS UTILITIES ELECTRIC COMPANY, ET AL.: Docket Nos. 50-445-2
: 50-446-2
(Comanche Peak Steam Electric Station, : (Application for Operating
Units 1 and 2) : License)

OFFICE OF SECRETARY
DOCKETING & SERVICE

APPLICANTS' MOTION TO ESTABLISH A
CUT-OFF DATE WITH RESPECT
TO ALLEGATIONS OF INTIMIDATION
EFFECTS

Applicants, Texas Utilities Electric Company, et al., hereby request the Board to establish March 31, 1984, as a cut-off date for litigating specific incidents in connection with the generic issue of the effect, if any, of alleged instances of intimidation.

In its March 15, 1984 Memorandum concerning clarification of open issues the Board (p. 14) invited a party to file such a motion. The Board stated that the issue of intimidation relates to the question "whether there has been a practice of discouraging the report of nonconforming conditions" (March 15 Memorandum, p. 13), and that this issue is not confined to specific previously known subissues. In view of the potential ongoing nature of the issue, a cut-off date is necessary in order to avoid, as the Board noted, the substantial penalty

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of unduly prejudicing the plant's start-up date. It is also necessary in order to assure orderly litigation of this issue.

Applicant is presently in the process of preparing to litigate this issue and is concurrently forwarding interrogatories to intervenors and will seek to depose potential witnesses. In order to conduct discovery in an orderly fashion, it is necessary that a cut-off date be established so that all parties may know, during the hearing preparation stage, the specific incidents to be presented at hearing. Hence an effective cut-off date must exist at the time intense preparation for hearing begins.

Wherefore Applicants request that a cut-off date be established as of March 31, 1984, and that no evidence of specific allegations of intimidation or discouragement or alleged effects thereof, occurring after that date be admitted at the hearing.

Respectfully submitted,
Texas Utilities Electric Company

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DATED at Washington, D.C. this 5th day of April, 1984.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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:
(Comanche Peak Steam Electric Station, :
Units 1 and 2) :

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MOTION in the above-captioned matter were served upon the following persons by overnight delivery (*), or deposit in the United State mail, first class, postage prepaid, this 5th day of April, 1984, or by hand delivery (**) on the 6th day of April, 1984.

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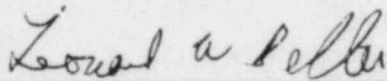
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