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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'84 NOV-5 110 54

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

APPLICANTS' REPLY TO CASE'S PARTIAL  
ANSWER TO APPLICANTS' MOTION FOR  
SUMMARY DISPOSITION REGARDING SAFETY FACTORS

On May 20, 1984, Texas Utilities Electric Company, et al. ("Applicants") filed a Motion for Summary Disposition of CASE's Allegations Regarding Safety Factors. On August 27, 1984, CASE filed its answer in the form of an "Affidavit of CASE Witnesses Mark Walsh and Jack Doyle" ("CASE's Answer"). In an August 22, 1984 conference call the Board authorized Applicants to submit replies to CASE's answers to Applicants' motions for summary disposition (Tr. 12925). Applicants' response to CASE's Answer is set forth in the attached Affidavit of R.D. Wheaton, J.C. Finneran, and R.C. Iotti.

Applicants submit that CASE's Answer fails to demonstrate the existence of a genuine issue regarding any of the material facts set forth in Applicants' Motion. Thus, under the usual standard for granting summary disposition Applicants would be entitled to judgment as a matter of law.

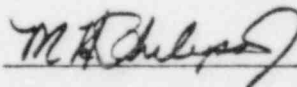
The Board has, however, established a "more lenient standard" in this phase of the proceeding for granting summary disposition. In its June 29 Memorandum and Order, the Board stated that it intends to ask questions, request briefs or otherwise seek to clarify matters so as to determine whether sufficient

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information is available to make a "reasoned decision." Accordingly, in the attached Affidavit, Applicants' address each of CASE's assertions with respect to Applicants' statement of material facts which we perceive to require clarification and/or rebuttal to assist the Board in reaching a sound decision. We believe there clearly is sufficient information before the Board for it to reach a reasoned decision on that issue and grant Applicants' Motion.

Respectfully submitted,



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