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RELATED CORRESPONDENCE

4/6/81

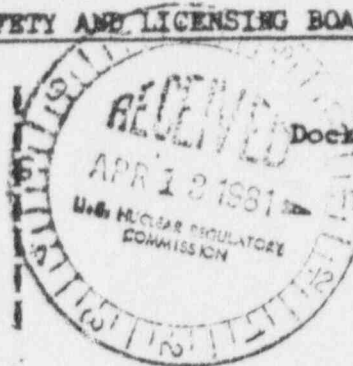


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 50-446

SUPPLEMENT TO
CASE'S ANSWERS TO APPLICANTS' FIRST AND SECOND SETS
OF INTERROGATORIES AND REQUESTS TO PRODUCE
(WILL BE REFERRED TO BY CASE AS "CASE'S 4/6/81 SUPPLEMENT TO APPLICANTS")

COMES NOW CASE (Citizens Association for Sound Energy), hereinafter referred
to as CASE, Intervenor herein, and files this, its 4/6/81 Supplement to Applicants.

SUPPLEMENTARY ANSWERS

Each answer is identified by the number of the corresponding interrogatory
set forth in Applicants' Interrogatories.

APPLICANTS' FIRST SET OF INTERROGATORIES:

Questions 121 through 139.

We expect that the witness on whom we decide to rely in these pro-
ceedings will support and expand on the contentions and bases contained
in CASE's previous pleadings in these hearings (as set forth specifically
in answer G-4.(b) 24(b), on page 8 of this pleading). For example, as
indicated in CASE's 4/10/80 Position on Contentions, Contention No. 7,
pages 26 through 32: The statements we made regarding Report 290 in
Contention 7 on pages 28 and 29 of our 5/7/79 Contentions, item 1, has
not been refuted by the so-called second German Report ("Critical Comments
on Work Report AB-290"); we included some specifics in this regard on
our 4/10/80 Position on Contentions...We similarly pointed out that the
Staff's allegations regarding the Sandia Report were based on faulty
assumptions; and we included some specifics in this regard. Perhaps

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Questions 121 through 139 (continued):

the NRC Staff has already made its collective mind up regarding these two reports and does not intend to give any further consideration to them regardless of what facts may be presented by CASE's witness(es). We would hope that this is not the case regarding either the Staff or the Board.

As stated on page 31 of CASE's 4/10/80 Position on Contentions:

"CASE could list other reports, such as those of Richard E. Webb (specifically his testimony in Docket 50-272, Public Service Electric & Gas Co., Salem Nuclear Generating Unit #1, testimony of 2/27/79 and 4/8/80 and 4/9/80)..." but we chose not to.

The question at this point is not whether or not CASE will have an expert witness regarding this contention, but who that witness will be and which documents such witness will rely on. At this point in time, there are several reasons for our uncertainty as to who our expert witness(es) will be; not the least of these is the fact that we do not at this time know precisely when the hearings themselves will be, or even if such details as having the hearings will be necessary before granting Applicants an "interim" operating license.

As to what documents CASE's witness(es) will rely on, it may or may not be that such witness(es) will rely on Mr. Webb's reports. If the Staff or Applicants would like to conduct discovery upon Mr. Webb, CASE will approach Mr. Webb and inquire what he would charge the Staff or Applicants to answer interrogatories, under Rule 26 of the Rules of Civil Procedure:

"(4)(B) A party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only as provided in Rule 35(b) or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

"(C) Unless manifest injustice would result, (1) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under subdivisions (b)(4)(A)(ii) and (b)(4)(B) of this rule..."
(Emphasis added.)

Questions 121 through 139 (continued):

It is CASE's understanding that at this time we are not required to undertake substantial research and investigation or to develop our case in order to respond to interrogatories and requests for documents. We desire to cooperate as much as possible, but under the circumstances at this time, the specific information the Staff seeks is simply premature. We do not know at this time whether or not Mr. Webb will be our witness, we do not know whether or not he would even consider engaging in discovery on the terms indicated above, but we will contact him in this regard should the Staff or Applicants so desire. CASE does not intend to pay for such discovery, until and unless we have made a firm contract with Mr. Webb to testify on behalf of CASE in these operating license proceedings.

If we retain a witness other than Mr. Webb, it may well be that such witness will develop his own analyses and/or rely on documents other than those Mr. Webb might rely on.

Further, CASE has not yet completed discovery with Applicant regarding this contention, which discovery may well change somewhat or limit the amount of independent research and analyses our witness will have to do; this could also change our choice of a witness or witnesses.

APPLICANTS' SECOND SET OF INTERROGATORIES:

Questions 69-2, 70-2, and 71-2:

The NRC Staff has the responsibility to see that Applicants fulfill their responsibilities and that the Emergency Plan for CPSES has been proved to demonstrate that: adequate preplanning has been done so that an emergency condition can be handled quickly, efficiently and in a manner so that the least possible harm to the public would be incurred; State, local and regional emergency plans can be paid for, set up, maintained, and continued with real live people to carry them out; documentation which proves the preceding is presented to the NRC, the Intervenor, and the public through these operating license proceedings and that the emergency plan has been thoroughly analyzed and approved before Applicants are issued an operating license, an "interim" operating license, or allowed to load fuel. The Staff should: see to it that the preceding is done and done sufficiently and adequately to in fact (as well as on paper) assure that the public health and safety will be protected; respond fully and completely to interrogatories and requests for documents by Intervenor; pursue with vigor any problem areas or inadequacies indicated by Staff or Intervenor's questions and contentions and see to it that such problems and inadequacies

Questions 69-2, 70-2, and 71-2 (continued):

are dealt with fully and remedied; oppose any and all efforts on the part of anyone (including Commission Chairman Joseph Hendrie) to actively lobby without any semblance of due process or regard for the duly-accepted Intervenor in affected licensing proceedings for the abandonment of the NRC's final Emergency Planning Regulations (10 CFR 50, 50.47, August 19, 1980, 45FR162) requirement that:

"No operating license for a nuclear power reactor will be issued unless a finding is made by NRC that the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency." This should obviously include an "interim" operating license.

CASE expects the Applicants to be compelled to comply fully with all guidance and requirements of NUREG-0654 and other regulations which NRC and FEMA develop, before an operating license is granted ("interim" or otherwise) and before Applicants are allowed to load fuel, and we expect the NRC Staff to see that this is done.

Question 77-2:

CASE maintains that all segments of the public must be considered who may be affected by accidents at CPSES, including, in the event of a worst-case accident or an accident with large releases of radiation or radioactive materials into the atmosphere, the Dallas/Fort Worth metroplex area if there exists the possibility that the upper air currents may carry the radioactive materials to the metroplex area.

Under certain meteorological conditions and certain accident conditions, probably some type of emergency planning should be provided for the entire Dallas/Fort Worth metroplex area; we have not yet made detailed analyses of this at this time, but will promptly update our response as soon as we have done so.

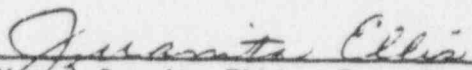
Question 82-2:

We have made no detailed analysis of this at this time other than that specified in NUREG-0654, including Appendix 1, pages 1-1 through 1-19; there could be a number of different types of accidents including a core meltdown. We will promptly update this answer as soon as we have made such detailed analysis.

Question 88-2:

10 CFR, Part 50, Appendix E, and NUREG-0654, including Appendix 1, pages 1-1 through 1-19; the rule of reason.

Respectfully submitted,


(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk
Dallas, TX 75224
214/946-9446
214/941-1211, work, part-time, usually
Tuesdays and Fridays only

4/6/81

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of CASE's
4/6/81 Supplement to Applicants First and Second Sets of Interrogatories and
Requests to Produce

have been sent to the names listed below by First Class Mail this 6th day
of April, 1981. * = with Certificate of Mailing receipt.

*Valentine B. Deale, Esq., Chairman
Atomic Safety and Licensing Board
1001 Connecticut Avenue, N. W.
Washington, D. C. 20036

Dr. Forrest J. Remick, Member
Atomic Safety and Licensing Board
305 E. Hamilton Avenue
State College, PA 16801

Dr. Richard Cole, Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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Counsel for NRC Staff
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Austin, Texas 78711

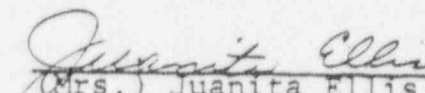
Mr. Richard Fouke
1668-B Carter Drive
Arlington, TX 76010

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

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

Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Arch C. McColl, III, Esq.
701 Commerce Street, Suite 302
Dallas, TX 75202


(Mrs.) Juanita Ellis, President
CASE (CITIZENS ASSOCIATION FOR
SOUND ENERGY)

STATE OF TEXAS)

Juanita Ellis, being duly sworn, deposes and says:

That she is President of CASE (Citizens Association for Sound Energy),
and knows the contents of the foregoing Supplement to CASE's Answers to Applicants' First and Second Sets of Interrogatories and Requests to Produce (referred to by CASE as "CASE's 4/6/81 Supplement to Applicants")

and that the same is true of her own knowledge and belief.

Juanita Ellis
Juanita Ellis

SWORN TO and Subscribed
before me on this 6th day
of April, 1981.

Russell G. [Signature]
Notary Public

My Commission Expires: 12/31/84

(SEAL)

The original of this page is being mailed under separate cover, First Class Mail, to the Secretary, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Chief, Docketing and Service Section, on this 6th day of April, 1981.

CASE

(CITIZENS ASSN. FOR SOUND ENERGY)

April 6, 1981

RELATED CORRESPONDENCE

1426 S. Polk
Dallas, Texas 75224

214/946-9446



Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555
Attn: Chief, Docketing and Service Section

Dear Sir:

Subject: 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 50-446

We are attaching the original documentation regarding the following two items
in the above-referenced proceedings:

Supplement to CASE's Answers to Applicants' First and Second Sets of
Interrogatories and Requests to Produce (referred to by CASE as
"CASE's 4/6/81 Supplement to Applicants")
CASE's Supplement to CASE's Answers to NRC Staff's First Set of Inter-
rogatories to, and Request for the Production of Documents from,
Intervenor CASE

Thank you.

Respectfully submitted,

CASE (Citizens Association for Sound Energy)

Juanita Ellis
(Mrs.) Juanita Ellis
President

cc: Service List