

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

7/8/85

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'85 JUL 29 A11:15

In the Matter of ()
HOUSTON LIGHTING AND POWER ()
COMPANY, ET AL. () Docket Nos. 50-498 OL
(South Texas Nuclear Project, () 50-499 OL
Units 1 and 2) ()

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CCANP MOTION TO STRIKE

On June 26, 1985, CCANP received the prefiled testimony of the Applicants and the NRC Staff. CCANP herein files its motion to strike portions of said testimony.

The substance of Quadrex findings and whether they were in fact reportable pursuant to 10 C.F.R. Section 50.55(e) is not the subject of this hearing. The Board's Memorandum and Order (Phase II Hearings on Quadrex-Report Issues) dated February 26 sets forth at page 24 the contentions at issue in this proceeding. Regarding 10 C.F.R. Section 50.55(e) the contention is as follows:

9. The Applicants failure to notify the NRC (Region IV) of the Quadrex Report, and many findings beyond those actually reported, within 24 hours from the time HL&P became aware of the findings or prospective findings of the Report (including drafts) violates 10 C.F.R. Section 50.55(e)(2)" (emphasis added.

The Board's use of the word notify and the 24 hour time period clearly limits the issue to the preliminary notification. The fact that a finding was ultimately not reportable is irrelevant.

Furthermore, permitting such testimony raises an issue for which CCANP had no notice, i.e. the adequacy of HL&P's ultimate determination as to reportability.

CCANP, therefore, moves to strike all testimony by Applicants and the NRC Staff on whether a given finding was ultimately reportable. Specific testimony sought to be struck is:

1. Goldberg: page 36, line 20 - Sentence beginning "After the NRC."
page 37, line 23 - Sentence beginning "Subsequently,
Bechtel" continuing to page 38, the end of Answer 46 [under 10 CFR
Section 50.55(e)].

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page 47, line 1 - Sentence beginning "Bechtel has since."

2. Bernsen and Lopez: Page 33, line 5 - Sentence beginning "As a result" to end of answer ("redesign or reanalysis").

page 50, line 14 - Sentence beginning "However, HL&P."

page 52, line 15 - Sentence beginning "Bechtel's review" to end of answer ("safety-related component").

page 67, line 7 - Sentence beginning "In any case."

page 93, line 27 - Sentence beginning "It was later" to end of answer ("significant safety issue").

page 104, line 11 - Sentence beginning "However, the design" to end of answer ("to the contrary").

page 105, line 10 - Sentence beginning "Subsequently, this finding."

3. Taylor: page 5, Ans. 13 - The words "or as a reportable item."

page 10, Ans. 23 - The words "and subsequent evaluation demonstrated this item to be not reportable."

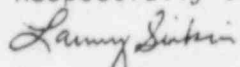
page 44, Ans. 133 - Sentence beginning "It was subsequently."

page 46, Ans. 138 - Sentence beginning "As a final outcome."

page 51, Ans. 155 - The phrase beginning "but later withdrew" to the end of the sentence ["requirements of 50.55(e)"].

CCANP moves the Board to strike the specified testimony.

Respectfully submitted,


Lanny Sinkin

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Dated: July 8, 1985
Austin, Texas

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CERTIFICATE OF SERVICE

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I hereby certify that copies of CCANP's Motion to Strike were served by hand delivery (*) or deposit in the U.S. Mail, first class postage paid to the following individuals and entities on the 11th day of July 1985 *or July 22, 1985 (*)*.

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