

CASE

(CITIZENS ASSN. FOR SOUND ENERGY)

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Dallas, Texas 75224

214/946-9446

July 6, 1985

Administrative Judge Peter B. Bloch
U. S. Nuclear Regulatory Commission
4350 East/West Highway, 4th Floor
Bethesda, Maryland 20814

Dr. Kenneth A. McCollom, Dean
Division of Engineering,
Architecture and Technology
Oklahoma State University
Stillwater, Oklahoma 74074

Dr. Walter H. Jordan
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Dear Administrative Judges:

Subject: In the Matter of
Texas Utilities Electric Company, et al.
Request for an Operating License for
Comanche Peak Steam Electric Station,
Units 1 and 2
Docket Nos. 50-445 and 50-446 *DL*

CASE's Response to Applicants' 6/28/85
Current Management Views and Management
Plan for Resolution of All Issues (and
attachment, Comanche Peak Response Team
Program Plan and Issue-Specific Action
Plans, Revision 2, June 28, 1985)

In the Board's 5/24/85 Memorandum and Order (Case Management Plan), the Board stated (page 4):

"Responses. We will require CASE and the Staff of the Nuclear Regulatory Commission to respond to the Case Management Plan that Applicant will file in response to this Memorandum and Order. The responses are expected to be helpful to the Board in defining and resolving issues."

The Board also stated (page 4):

"Time Schedule. There is sufficient uncertainty about the scope and content of the filing that we are requiring of Applicants that we will not indulge in the apparently fruitless exercise of blindly setting a

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schedule for responses. CASE will not be subjected to unrealistic time schedules. We will consider as relevant to the scheduling the reasonableness of Applicants' responses to discovery requests."

CASE is not certain when the Board anticipates that we might be able to respond to Applicants' pleading; however, we want to call the Board's attention to several barriers to our being able at this time to provide the Board with the type of helpful responses which the Board seeks:

1. We first call to the Board's attention the fact that Applicants' 6/28/85 Current Management Views and Management Plan for Resolution of All Issues was incomplete. The primary focus and basis for Applicants' pleading is the CPRT Plan (Comnche Peak Response Team Program Plan and Issue-Specific Action Plans, Revision 2, June 28, 1985); however, this CPRT Plan was not included with Applicants' 6/28/85 filing. CASE (in the main docket) did not receive a copy of the CPRT Plan until 3:25 P.M. on 7/3/85, and then not through normal channels /1/. As the Board is no doubt aware by this time, the CPRT Plan is itself a massive document, which will require detailed study and analysis before we can reach any conclusions regarding it.

Further, our very cursory review of the CPRT Plan indicates that it is not complete in and of itself either. Applicants' Mr. Council states in his 6/28/85 cover letter to the NRC's Mr. Vince Noonan (second page):

"To provide a sharper focus on the quality of the CPRT activities, we are developing an umbrella QA effort for all CPRT activities which do not fall directly under the TUGCO Appendix B program. We shall detail that effort in a separate transmittal."

This separate transmittal was not included with either of Applicants' filings and has not been received to date. We note, however, that the information purported to be contained therein is obviously of interest and concern to CASE, and necessary for a thorough response to the CPRT Plan.

2. In addition, at this time there are still numerous discovery requests outstanding (both formal and informal), and it appears that it will be necessary for CASE to file a formal Motion to Compel regarding some of these requests and, in some instances, to formalize what are now informal discovery requests. CASE has already informed Applicants of our intent in this regard, and have invited Applicants to attempt to work with them informally on these matters (see CASE's 6/24/85 letter to Applicants' counsel, Mr. Wooldridge, under subject: Discovery Requests). We have received no response to that suggestion.

/1/ We will save for another time a discussion of the manner in which Applicants have handled distribution of CASE's copies of their 6/28/85 Current Management Views and the CPRT Plan; however, Applicants should be on notice that at some point in time, CASE plans to pursue this matter further.

It may well be that CASE will, depending upon Applicants' responsiveness (or lack thereof), ask the Board to reschedule the prehearing conference (see Board's 5/24/85 Memorandum and Order (Case Management Plan), page 5, item 4) which the Board cancelled following the agreement between CASE and Applicants regarding discovery requests /2/. This may be helpful to avoid needless delay and effort on the part of all parties, and to expedite the hearings process.

3. In addition, CASE needs to be able to refer the Board to specific portions of the transcripts of the NRC Staff/Applicants meetings held June 13 and 14 /3/, which we believe the Board will be receiving in the near future from the NRC Staff. Further, another meeting between the NRC Staff and Applicants has been scheduled for July 19 in Arlington, Texas, to discuss the CPRT Plan just submitted by Applicants. We anticipate that there will be additional information contained in the transcript of that meeting to which we will want to refer in our response to the Applicants' filings /3/.

At this point in time, CASE is unwilling to accept either Applicants' approach or its timetable.

It is obvious that it will take quite some time to read, digest, and analyze Applicants' pleadings (which they obviously have been working on for months) /4/. Because of this, uncertainties regarding discovery, and the matters

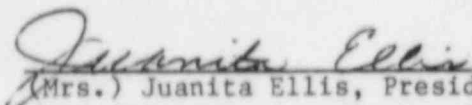
/2/ It is noteworthy that Applicants' pleadings do not discuss open discovery requests or allow time for necessary future discovery regarding their pleadings or the CPRT Plan. One possibility is that CASE will request that hearings or evidentiary depositions be held (or at least begun) during the same week regarding discovery requests and the MAC Report and issues raised by the MAC Report (see CASE's 6/24/85 Board Notification and CASE's Motions: for Discovery Regarding the MAC Report and Issues Raised by the MAC Report and/or for Hearings and/or Evidentiary Depositions).

/3/ We also anticipate that it may be necessary for CASE (and the other parties) to take some time correcting the transcript, as CASE requested the Staff to do regarding the 3/23/85 NRC Staff/CASE/Applicants meeting. As the Board and parties are well aware, CASE (and the other parties) have been concerned for some time about the quality and accuracy of the transcripts. It is also of concern to CASE that the transcripts are being sent out as Board Notifications to the Licensing Board and to the Commission without necessary clarifying changes having been made.

/4/ Although CASE has previously received a draft of the current CPRT Plan, it appears from a cursory comparison of the draft and the final document that there have been numerous changes. It will take additional time to review and analyze the effect of, and reasons for, these changes.

detailed in the preceding, CASE (in the main docket) is reluctant to make a commitment of how detailed and helpful a response we will be able to make by Applicants' suggested response date of July 26. It is our belief at this time that the most we could expect to provide at that time would be to detail with some specificity our approach to responding in detail; however, under the circumstances and considering the uncertainties discussed briefly herein, we hesitate even to make such a specific commitment at this time, especially with regard to the design issues.

Respectfully submitted,


(Mrs.) Juanita Ellis, President
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Energy)

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cc: Service List