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July 17, 1985

Due to copying errors it has come to our attention that some copies of CASE's Response to The Alleged Mootness of Docket 2 Issues and Proposed Schedule For Docket 2 may be missing pages 2 and 15. Those pages are here enclosed. We apologize for any inconvenience.

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Resolution of All Issues, June 28, 1985) there is a great deal more to this proceeding than a hypothetical test of the adequacy of the Comanche Peak Response Team's Program Plan (CPRT) and the presumed receipt of an operating license by Applicants. The purpose of this filing is to make clear that absent some significant concessions by Applicants, the issues in Docket 2 are not moot; and, further that Applicants proposed schedule, which assumes a continuation of the present applicant-initiated discovery black-out, (we have no response to our informal discovery from staff or Applicants) is unacceptable. In a subsequent filing we will fully explore all of the erroneous and often unstated factual and legal assumptions which underlie Applicants' position. We focus here on mootness and scheduling.

## II. Alleged Mootness

According to Black's Law Dictionary, an issue is moot when judgement on it cannot have any legal or practical effect on the existing controversy. <sup>1</sup>

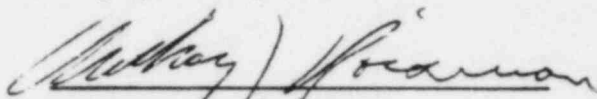
The controversy in Docket 2, and the question which must be answered, is whether there has been a pervasive breakdown of the QA/QC program for construction at the Commanche Peak plant such

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1. Blacks Law Dictionary, Revised Fifth Edition, p. 909 (1979)

issue in Docket 2 or the real remedy which Docket 2 seeks, Docket 2 issues have not been superseded by the CRPT promises of reform. The CPRT represents, at best, a new affirmative case by Applicant on the Docket 2 issues. As such it is subject to all the normal rules of discovery and hearings. CASE intends to pursue these issues to their inevitable conclusion. If Applicants continue to insist on avoiding the inevitable the only issue that is moot is the issue of mootness.

Respectfully Submitted,

  
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