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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before Administrative Judges:

Peter B. Bloch, Chairman
Dr. Kenneth A. McCollom
Dr. Walter H. Jordan
Herbert Grossman, Esq.

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USNRC

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

Docket Nos. 50-445-OL & OL-2
50-446-OL & OL-2

TEXAS UTILITIES ELECTRIC COMPANY, et al.

ASLBP No. 79-430-06 OL

(Comanche Peak Steam Electric Station,
Units 1 and 2)

August 16, 1985

MEMORANDUM AND ORDER

SERVED AUG 16 1985

MEMORANDUM
(Current Status of Discovery)

The existence of Texas Utilities Electric Company, et al.'s (Applicants') "Current Management Views and Management Plan for Resolution of All Issues," (Management Plan) June 28, 1985¹ shall not excuse responses to discovery requests. Applicants cannot unilaterally narrow the scope of discovery by filing its Management Plan.

At the present time, a large part of the Technical Review Team's inspections and analysis of Comanche Peak appears to be completed. The rationale for interrupting discovery is gone. The parties should facilitate discovery in the interest of avoiding delays later in this case.

¹ Citizens' Association for Sound Energy (CASE) responded on July 29,
(Footnote Continued)

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Meetings should continue to be held among all the parties, both to make periodic progress reports and to discuss significant developments or completed documents. Documentation for ongoing work should be made available to CASE on a cooperative basis, neither unduly burdening the project nor unduly delaying legitimate requests for information. The parties should seek to avoid unnecessary technical disputes about discovery. If discovery disputes do arise, the parties should stipulate to the nature of the dispute in order to facilitate prompt resolution by this Board.

Discovery shall now be in order if it relates to the activities or findings of the Staff's Technical Review Team (TRT) or the Applicants' Comanche Peak Response Team (CPRT) that are directly or indirectly related to Contention 5. Additionally, discovery shall be in order if it is now directly or indirectly relevant to Contention 5 because of new information² derived from those findings or this discovery process. Discovery about the comparatively recent reorganization of Applicants' management team shall be in order.

The Board has Applicants' management plan under further consideration.

(Footnote Continued)

1985 (Initial Response) and on July 16 (Mootness Response) and the Staff of the Nuclear Regulatory Commission (Staff) responded on August 2, 1985 (Staff Response).

² Discovery will also be appropriate where new information highlighted the importance of information that did not previously seem important.

O R D E R

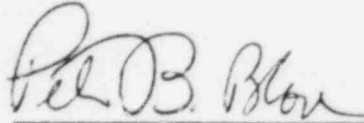
For all the foregoing reasons and based on consideration of the entire record in this matter, it is this 16th day of August 1985

ORDERED:

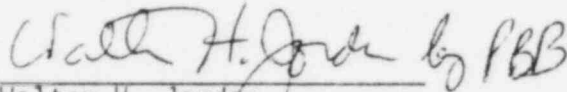
The parties may recommence discovery pursuant to the procedural rules of the Nuclear Regulatory Commission. Outstanding discovery requests that have not been responded to because of Board orders issued in 1985, other than our recent order about the MAC Report, shall be considered to be filed today and shall be responded to anew.

Discovery shall now be in order if it relates to the activities or findings of the Staff's TRT or the Applicants' CPRT that are directly or indirectly related to Contention 5. Additionally, discovery shall be in order if it is now directly or indirectly relevant to Contention 5 because of new information derived from those findings or this discovery process. Discovery shall be in order if it relates to the comparatively recent reorganizations of Applicants' management team.

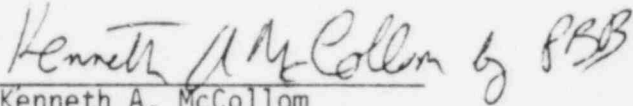
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BOARDS



Peter B. Bloch, Chairman
ADMINISTRATIVE JUDGE



Walter H. Jordan
ADMINISTRATIVE JUDGE



Kenneth A. McCollom
ADMINISTRATIVE JUDGE



Herbert Grossman
ADMINISTRATIVE JUDGE

Bethesda, Maryland