

Revision 2" ("CPRT Program Plan"). Applicants' Management Plan proposed that litigation of technical issues currently in contention should be refocused, in light of intervening events, on whether the CPRT Program Plan is adequate to provide the Board with reasonable assurance that the CPSES facility has been properly designed and constructed. The Board has decided not to adopt the Applicants' Management Plan at this time. Memorandum and Order (Proposal for Governance of this Case), LBP-85-32 (August 29, 1985) ("Board's Order"). Prior to the Board's Order, CASE has filed a number of formal and information discovery requests relating to the CPRT. In their answers to CASE's discovery requests, Applicants have provided, inter alia, copies of contracts between Applicants and subcontractors retained to implement the CPRT Program Plan.

III. DISCUSSION

The Staff opposes CASE's Motion since (1) the Applicants' Management Plan has not been adopted by the Board, and (2) it is entirely speculative to determine at this time what documents the Board will need to rule upon the CPRT Program Plan, should the Board subsequently decide to admit the Plan as an issue in this proceeding. The Board has not adopted the Applicants' Management Plan and thereby refocus litigation on the adequacy of the CPRT Program Plan. Until the Board admits issues relating to the CPRT Program Plan, there is no immediate relevance of the CPRT to the currently-contested issues in this proceeding, and conse-

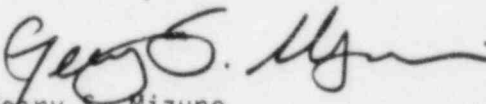
quently no need for the Board to be provided with any background documents on the CPRT. ^{1/}

To summarize, the adequacy of the CPRT Program Plan is not currently an issue-in-controversy. It is also speculative as to what issues will be admitted on the CPRT Program Plan should the Board decide in the future to admit issues relating to the CPRT Program Plan. Accordingly, there is no need for the Board to be provided with background documents on the CPRT.

IV. CONCLUSION

For the reasons set forth above, the Staff opposes CASE's Motion.

Respectfully submitted,


Geary S. Mizuno
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 5th day of September, 1985

^{1/} The Applicants, as well as the Staff and CASE, are obligated to timely apprise the Board of newly discovered significant information or of significant developments relevant to this proceeding. Georgia Power Co. (Alvin W. Vogtle Nuclear Plant, Units 1 & 2), ALAB-291, 2 NRC 404, 408 (1975); Duke Power Co. (William B. McGuire Nuclear Station, Units 1 and 2), ALAB-143, 6 AEC 623, 625-26 (1973); Virginia Electric & Power Co. (North Anna Power Station, Units 1 and 2), CLI-76-22, 4 NRC 480, 491 at n.11 (1976). However, the documents which CASE contends should be the subject of a Board notification by Applicants -- e.g., CPRT subcontractor contracts, and subcontractor personnel resumes -- do not appear to be the type of information which needs to be provided by Applicants to the Board at this stage in the proceeding.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES ELECTRIC)	Docket Nos. 50-445
COMPANY, <u>et al.</u>)	50-446
)	
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO CASE MOTION FOR BOARD ORDER DIRECTING APPLICANTS TO SUPPLY DOCUMENTS TO THE BOARD" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 5th day of September, 1985:

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