

11/20/79

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
TEXAS UTILITIES GENERATING COMPANY, ET AL.) Docket Nos. 50-445
) 50-446
(Comanche Peak Steam Electric Station,)
Units 1 and 2))

NRC STAFF'S ANSWER TO CFUR'S
MOTION TO ADD CONTENTION

On October 31, 1979, Intervenor CFUR filed its Motion to Add Contention in which it seeks to add a contention based, allegedly, on information of which it has just become aware.

By Order Relative to Standing of Petitioners to Intervene of June 27, 1979, the Licensing Board admitted the respective intervenors as parties to this proceeding, having found that each had demonstrated standing and had set forth at least one good contention. As suggested by the Licensing Board in its Order Relative to Motion for Continuance, dated May 9, 1979, the parties have since been engaged in efforts to arrive at stipulations regarding the admission of the various contentions advanced by each intervenor. These efforts are still in progress and the Staff would propose to discuss the proposed additional contention with CFUR. At the conclusion of these efforts, the parties will file such stipulation as may be arrived at with CFUR or their respective statements of position on those contentions on which no agreement can be reached. It would thus seem most productive to have CFUR's proposed new contention considered in the framework of the totality of contentions rather than isolated. CFUR has suggested no reason why this contention should have separate treatment.

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Inasmuch as the NRC Staff is willing to add CFUR's proposed new contention to these currently being considered by the Applicants and Staff in their negotiations with CFUR, the Staff believes that a ruling on CFUR's Motion to Add Contention should be deferred by the Licensing Board until the parties have filed their stipulation or respective statements of position on all contentions.

Respectfully submitted,

Lawrence J. Chandler
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 20th day of November, 1979

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ANSWER TO CFUR'S MOTION TO ADD CONTENTION" 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 20th day of November, 1979:

Elizabeth S. Bowers, Esq., Chairman*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Forrest J. Remick, Member
Atomic Safety and Licensing Board
305 E. Hamilton Avenue
State College, PA 16801

Richard Cole, Esq., Member*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Nicholas S. Reynolds, Esq.
Debevoise & Liberman
1200 17th Street, N.W.
Washington, DC 20036

Mrs. Juanita Ellis
President, CASE
1426 South Polk Street
Dallas, TX 75224

Mr. Geoffrey M. Gay
West Texas Legal Services
100 Main Street (Lawyer's Bldg.)
Fort Worth, TX 76102

Richard W. Lowerre, Esq.
Assistant Attorney General
Environmental Protection Division
P. O. Box 12548, Capitol Station
Austin, TX 78711

Mrs. Nancy Holdam Jacobson
CFUR
1400 Hemphill
Fort Worth, TX 76104

Mr. Richard Fouke
1668-B Carter Drive
Arlington, TX 76010

Atomic Safety and Licensing Board
Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal
Panel (5)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docketing and Service Section (5)*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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Marjorie Ulman Rothschild
Marjorie Ulman Rothschild
Counsel for NRC Staff