

TIC



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 4 1979

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

In the Matter of Texas Utilities Generating Company, et al.
(Comanche Peak Steam Electric Station, Units 1 and 2)
Docket Nos. 50-445 and 50-446

Dear Mr. Reynolds:

In accordance with our recent telephone conversation, I have prepared and enclosed draft stipulations covering the contentions of the Intervenor in this proceeding. The draft stipulations reflect the position of the parties with respect to these contentions, as set forth in the statements of contentions previously transmitted to you and the Intervenor and in the parties' telephone conferences of August 31, 1979.

As I explained in our recent telephone conversation, subsequent to the conference calls, the Staff reassessed its position regarding consolidated CASE contention 12 and ACORN "Safety" contention 31, relating to emergency planning. The Staff's reassessment is based on recent developments, more fully discussed below, which have occurred in the area of emergency planning. The cumulative impact of these developments causes the Staff to believe that the parties should defer further consideration of CASE consolidated contention 12 and ACORN "Safety" contention 31. Therefore, the Staff has included in the CASE and ACORN stipulations separate paragraphs covering these contentions, which reflect this position. Based on our recent conversation, I understand that you agree to deferral of these contentions.

The developments referred to above are: 1) the Commission issued a "Notice of Proposed Expedited Rulemaking on the Adequacy and Acceptance of Emergency Planning Around Nuclear Facilities" (Notice), 44 Fed. Reg. 41483 (July 17, 1979); 2) the Joint EPA-NRC Task Force Planning Basis for Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants (NUREG-0396) (Joint Task Force) is pending before the Commission for its approval; and on July 23, 1978, Mr. Denton, Director of Nuclear Reactor Regulation, promulgated SECY-79-450, "Action Plan for Promptly Improving Emergency Preparedness," (Action Plan). The Notice of Proposed Rulemaking may not directly affect this proceeding because a major portion of it relates to operating reactors. However, the Joint Task Force report is important to this proceeding because it forms a major portion of the basis for extending emergency planning to at least ten miles. In the Action Plan, Mr. Denton, Director, Office of Nuclear Reactor Regulation, informed the Commissioners that the staff will:

1289 122

7911070 288

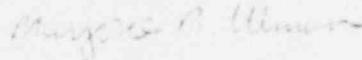
G

- (5) Assess the relationship of State/local plans to the licensee's and Federal plans so as to assure the capability to take appropriate emergency actions. Assure that this capability will be extended to a distance of 10 miles as soon as practical, but not later than January 1, 1981.

To assist you in understanding the recent developments in emergency planning, I am enclosing copies of the documents referred to above.

I would appreciate it if you would review these draft stipulations on an expedited basis, since I will be contacting you and the Intervenors shortly in order to discuss whether there are any objections to the language in the stipulations. The draft stipulations and statements of contentions will then be prepared in final form and transmitted to you for your signature, under separate cover. As prepared in final form, the documents will reflect corrections or changes agreed to by the parties. After signature, the stipulations and statements of contentions will be transmitted to the Licensing Board for its consideration.

Sincerely,



Marjorie B. Ulman
Counsel for NRC Staff

Enclosures:

1. Federal Register Notice dated
July 17, 1979
2. NUREG-0396
3. SECY-79-450
4. Draft Stipulations

cc w/o Enclosures: Service List

1289 123