



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

January 25, 1980

Geoffrey M. Gay, Esq.
West Texas Legal Services
100 Main Street (Lawyers Bldg.)
Fort Worth, TX 76102

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. Gay:

Enclosed is the stipulation covering the contentions proposed by ACORN for admission as issues in controversy in this proceeding. The stipulation has been signed by counsel for the Applicants and Staff and includes as an attachment a statement of ACORN's proposed contentions.

The stipulation and attachment differ in some respects from the draft statement of contentions and draft stipulation forwarded to you in August and October 1979, respectively. The draft statement of contentions and draft stipulation reflected the positions taken by the parties at the July meeting of the parties and in the parties' telephone conferences of August 31, 1979. As you recognize, these positions were not final. As a result of further negotiations between the parties subsequent to the meeting of the parties in July 1979 and telephone conference of August 31, 1979, there has been a change of position with respect to several contentions. In particular, we note that the draft stipulation indicated that the parties had agreed to defer consideration of contention 24.^{*/} However, the parties have now agreed that deferral is no longer necessary and have taken positions with respect to this contention. Also note a change in the position of the Applicants regarding contention 2. The stipulation and attachment also now reflect the request of the Applicants and Staff that the Licensing Board defer ruling on the admissibility of contention 25. The language of contentions 3., 5., and 12. has been changed to conform to the language agreed to by the parties at their July meeting. In addition, the contention designated as number 33 in the draft statement of contentions has been deleted, since ACORN agreed at the meeting to withdraw this contention. Based on our records, these are the only changes of substance in the stipulation and statement of contentions.

*/ As the stipulation and statement of contentions indicate, the contentions have been renumbered. Unless otherwise noted, we are referring to the contentions as renumbered.

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I would appreciate it if you would review the stipulation and attachment on an expedited basis. Please return the stipulation to me after signature, with the attachment, so both can be submitted to the Licensing Board for its consideration. An extra copy of each is enclosed for your retention. Thank you for your cooperation.

Sincerely,

Marjorie Rothschild

Marjorie Ulman Rothschild
Counsel for NRC Staff

Enclosure: As stated

cc w/o encl: Service List

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