



6/30/80

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR AN
OPERATING LICENSE FOR COMAHE
PEAK STEAM ELECTRIC STATION
UNITS #1 AND #2 (CPSES)

Docket Nos. 50-445
and 50-446

EXCEPTIONS BY CASE
TO ATOMIC SAFETY AND LICENSING BOARD'S
ORDER SUBSEQUENT TO THE
PREHEARING CONFERENCE OF APRIL 30, 1980
(June 16, 1980)

On June 16, 1980, following the filing by all parties of a complete report on each contention and a pre-hearing conference on April 30 and May 1, the Atomic Safety and Licensing Board filed its Order Subsequent to the Pre-hearing Conference of April 30, 1980 (June 16, 1980). In this Order, the Board set forth the specific contentions which had been accepted for adjudication in these hearings and the reasons for rejecting the other contentions.

Intervenor CASE (Citizens Association for Sound Energy) takes exception to the Licensing Board's Order of June 16, 1980 and states that the Board erred in finding or ruling that:

- (1) CASE contention 1 is rejected as being too vague and overly broad. (Page 9, Paragraph 2.)

8007090 327

DS03
50/1

(2) CASE contention 3 is denied because no significant new information has been presented for these issues which were considered at the construction permit proceeding. (Page 9, Paragraph 3.)

(3) CASE contention 6(b) is denied as being too speculative for litigating. (Page 9, Paragraph 3.)

(4) CASE contention 6(e) is denied as being a challenge to Commission Regulations (Summary Table S-4, 10 CFR 51). (Pages 9 and 10, Paragraph 3 on Page 9 continued top of Page 10.)

(5) CASE contention 8 is denied as not being required. (Page 10, top of page, and Pages 3 and 4, Paragraph 3 continued top of Page 4.)

(6) CASE contention 10 is rejected for lack of adequate basis and as being too speculative for litigation. (Page 10, top of page.)

(7) Regarding Accepted Contention 5 (Page 11, formerly CASE Contention 19), the Board is of the opinion that the language proposed by the NRC Staff is sufficiently broad to encompass the subject matter of each intervenor's QA/QC contention. (Page 4, bottom paragraph.)

(8) Regarding Accepted Contention 23 (Page 17, formerly CASE Contention 9), the Board has revised the wording of CASE's contention, which has the effect of limiting it unduly.

A Brief will follow on each of the exceptions. CASE would urge that the Appeal Board rule favorably on each of CASE's exception.

Respectfully submitted,

Juanita Ellis
(Mrs.) Juanita Ellis, President
CASE (CITIZENS ASSOCIATION FOR SOUND ENERGY)
1426 S. Polk
Dallas, TX 75224
214/946-9446

6/30/80

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR AN
OPERATING LICENSE FOR COMANCHE
PEAK STEAM ELECTRIC STATION
UNITS #1 AND #2 (CPSES)

Docket Nos. 50-445
and 50-446

CERTIFICATE OF SERVICE

I hereby certify that copies of "EXCEPTIONS BY CASE TO ATOMIC SAFETY AND LICENSING BOARD'S ORDER SUBSEQUENT TO THE PREHEARING CONFERENCE OF APRIL 30, 1980 (June 16, 1980)" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 30th day of June, 1980:

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

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

Dr. Richard Cole, Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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

Marjorie Rothschild
Counsel for NRC Staff
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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

David J. Preister, Esq.
Assistant Attorney General
Environmental Protection Division
P. O. Box 12548, Capitol Station
Austin, Texas 78711

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

Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Atomic Safety and Licensing
Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555



Juanita Ellis
(Mrs.) Juanita Ellis, President
CASE (CITIZENS ASSOCIATION FOR
SOUND ENERGY)