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April 10, 1980

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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 No. 50-445 50-446
	)	
(Comanche Peak Steam Electric Station, Units 1 and 2)	)	(Application for Operating License)

APPLICANTS' STATEMENT OF POSITIONS
ON PROPOSED CFUR CONTENTIONS

Texas Utilities Generating Company, et al. (Applicants) hereby submit a statement of their positions regarding the admissibility of contentions proposed by the Citzens for Fair Utility Regulation (CFUR or Intervenor) in the captioned proceeding. This statement is being submitted in accordance with the Licensing Board's Order Scheduling a Prehearing Conference, dated March 20, 1980.

The Applicants' positions are based (except where otherwise noted) on the wording of CFUR's proposed contentions developed by the parties in discussions thereon, as reflected in the Stipulation between CFUR, the Staff, and Applicants which has been executed by CFUR, the Applicants, and the NRC Staff. The renumbering of the proposed contentions is as agreed to by the parties. Consistent with the Stipulation, Applicants have treated Intervenor's Supplement to Petition For Leave to Intervene and Contentions dated May 7, 1979, Motion for Leave to Amend Supplement to Petition

For Leave to Intervene dated May 29, 1979, and Motion to Add Contention dated October 30, 1979, as setting forth the sole bases for the proposed contentions. Applicants' positions on CFUR's proposed contentions are discussed below.

I. General Principles Regarding Admission of Proposed Contentions

To be admitted in this proceeding, Intervenors' contentions must raise issues which fall within the scope of this proceeding as set forth in the Notice of Hearing, 44 Fed.Reg 47999 (August 16, 1979) and must comply with Commission regulations governing admission of contentions, 10 CFR §2.714(b), and Commission case law. See, Northern States Power Company (Prairie Island, Units 1 and 2), ALAB-107, 6 AEC 188, 194 (1973), aff'd, BPI v. Atomic Energy Commission, 502 F.2d 424, 429 (D.C. Cir. 1974). In particular, Section 2.714(b) of 10 CFR Part 2 requires that a petitioner to intervene must provide, along with a list of proposed contentions, the "bases for each contention set forth with reasonable specificity." In explaining the reasons for this basis-for-contention requirement, the Appeal Board in the Peach Bottom proceeding articulated specific grounds for dismissing a proposed contention. That Appeal Board found that a contention must not be admitted if:

1. it is an "attack on applicable statutory requirements";

2. it "challenges...the basic structure of the Commission's regulatory process", i.e., Commission regulations;
3. it lacks the particularity to enable parties to know at least generally what they will have to defend, i.e., the issue must be concrete and litigable;
4. it raises an issue "not proper for adjudication in the particular proceeding" or pertaining to the particular power plant; or;
5. it merely advances generalizations regarding a party's views of what applicable policies ought to be.

[Philadelphia Electric Co., et al. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20-21 (1974)]

As discussed in Peach Bottom, supra the purpose of the basis requirement of 10 CFR §2.714(b) is to enable the parties to know at least generally what they will have to defend against or oppose. While the basis need not consist of a detailing of the evidence offered in support thereof that basis must be identified with reasonable specificity. Peach Bottom, supra; Mississippi Power & Light Company (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-130, 6 AEC 423, 426 (1973). "In the final analysis, there must be strict observance of the requirements governing intervention, in order that the adjudicatory process is invoked only by those persons who have real interests at stake and who seek resolution of concrete issues," Peach Bottom, supra; Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2), ALAB-146, 6 AEC 631, 633 (1973). Indeed, special

care should be taken where a hearing is not necessary, as is the case at the operating license stage, to assure that proposed contentions raise issues that are clearly open to adjudication in this proceeding. Cincinnati Gas and Electric Company (William H. Zimmer Nuclear Power Station), ALAB-305, 3 NRC 8, 12 (1976).

Based upon the principles discussed above, Applicants have established their positions with regard to each proposed contention. Applicants believe that a close examination of the contentions and the purported bases, as mandated by the Appeal Board in the Zimmer proceeding, supra, ALAB-305, clearly demonstrates that CFUR has failed to set forth any contentions which warrant admission in this proceeding.

II. Applicants' Positions on CFUR's Proposed Contentions

Proposed Contention 1

Applicants have not demonstrated technical qualification to operate CPSES in accordance with 10 CFR §50.57(a)(4) in that they have relied upon Westinghouse to prepare a portion of the Final Safety Analyis Report (FSAR). [FORMERLY Contention I]

Applicants oppose admission of Contention 1 because CFUR does not set forth with reasonable specificity a basis for the contention, as required by 10 CFR §2.714(b). CFUR does not provide any support for the broad allegation that use of information from Westinghouse in the preparation of the FSAR indicates the Applicant is not technically qualified to operate Comanche Peak. In particular, CFUR does not identify any area in which it believes Applicants lack the technical expertise to operate Comanche Peak.

Consequently, CFUR does not satisfy the basis and specificity requirements of 10 CFR §2.714(b).

In addition, the essence of CFUR's contention is that in order to find that the Applicants are qualified to operate Comanche Peak the FSAR must be prepared and supported in toto by the Applicants. CFUR has not cited any requirement in the Commission's regulation to this effect, and indeed there is no such requirement. Accordingly, CFUR Contention 1 should be denied.

Proposed Contention 2.A

One or more of the reports used in the construction of computer codes for the CPSES/FSAR have not been suitably verified and formally accepted; thus conclusions based upon these computer codes are invalid.
[FORMERLY Contention II.A]

Applicant opposes admission of Contention 2.A because CFUR has not set forth with reasonable specificity a basis for the contention, as required by 10 CFR §2.714(b). As a purported basis for this contention CFUR sets forth 16 Westinghouse topical reports used in the Comanche Peak license application, one or more of which it alleges have not been "suitably verified and formally accepted." Ten of these reports have already received formal NRC Staff approval for reference in license applications. Nine of these ten topical reports, identified by numbers 5, 6, 7, 8, 9, 11, 12, 13 and 15 by CFUR, which compose the Emergency Core Cooling System (ECCS) evaluation model, were approved

by the NRC in 1975. 1/ The topical report listed as item 4 in CFUR's Supplement was approved in 1978 for reference in license applications. 2/ With respect to the remaining topical reports, CFUR does not provide any basis for its allegation that "conclusions based upon these computer codes [contained in the topical reports] are invalid." Nor does CFUR set forth any basis for questioning the adequacy of the Staff's review of all topical reports and computer codes in license applications. Accordingly, CFUR Contention 2.A should be denied.

Proposed Contention 2.B

> The computer codes used in CPSES/FSAR must be tested and, if necessary, modified to accept the parameters reflecting the sequence of events at Three Mile Island and then to realistically predict the behavior observed at Three Mile Island in consideration of those parameters. [FORMERLY Contention II.B]

Applicants contend that CFUR Contention 2.B. should be denied because it fails to set forth a basis with reasonable specificity as required by 10 CFR §2.714(b). CFUR has not identifed any basis for requiring that Comanche Peak computer codes must be tested, and modified if necessary, to enable them to predict the behavior of the TMI-2 accident sequence. In particular, CFUR has not provided any support for its allegation that (1) TMI-2 is a

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1/ See, Letters from Domenic B. Vassello dated May 30, 1975. NRC Staff supplied copies of these letters to CFUR in a letter dated August 1, 1979.

2/ See, Letter from the NRC dated April 19, 1978. A copy of this letter was sent to CFUR by the NRC Staff in a letter dated August 1, 1979.

"credible" accident for Comanche Peak and (2) as such the Comanche Peak computer codes must be capable of predicting the TMI-2 accident behavior.

Significantly, CFUR does not in any way address the characteristics distinguishing the components of the Comanche Peak Westinghouse Nuclear Steam Supply System (NSSS) from those of the TMI-2 Babcock and Wilcox NSSS and why an accident at a plant with one type of NSSS should be considered likely to occur at a plant with another type of NSSS. In addition, CFUR's allegation that hydrogen generation as was observed at TMI-2 must be predicted by the Comanche Peak computer codes lacks the required basis to be considered in this proceeding. Also, this subject is about to be considered in a Commission rulemaking proceeding and should not, therefore, be considered in this proceeding. See, discussion of Contention 3.B, infra. Accordingly, CFUR Contention 2.B should be denied.

Proposed Contention 3.A (Alternative 1)

Some accident sequences heretofore considered to have probabilities so low as to be considered incredible, based upon the findings of WASH-1400, are in fact more probable in light of additional findings of the Lewis Committee and should be evaluated as credible accidents for CPSES. In order to insure conservatism, the probabilities associated with such accident sequences should be the highest probabilities within the specifed confidence band.
[FORMERLY Contention III.A]

Applicants oppose admission of CFUR Contention 3.A (Alternative 1) because CFUR fails to set forth a basis with reasonable specificity as required by 10 CFR §2.714(b), and the consideration of subject of this contention (Class 9

accidents) is proscribed by Commission policy. CFUR Contention 3.A (Alternative 1) is not supported by a basis to suppport this challenge to the general proscription of consideration of Class 9 accident sequences in reactor licensing proceedings. The Commission has recently retained this policy as applied to land-based nuclear power plants. Offshore Power Systems (Floating Nuclear Plants), CLI-79-9, 10 CFR 257 (1979). The Commission indicated in Offshore Power Systems that the issue of Class 9 accidents would be pursued in a rulemaking. In that the Board cannot admit contentions which are (or are about to become) the subject of general rulemaking by the Commission, Potomac Electric Power Company (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-218, 8 AEC 79, 85 (1974), this contention should be dismissed. See also, Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), LBP-80-__, 11 NRC __(March 10, 1980), slip op. at 2-3. Furthermore, CFUR alleges in its Supplement that Class 9 accidents must now be considered because the Commission no longer supports some of the analyses and conclusions of WASH-1400. CFUR does not, however, specify which accident sequences should be considered, and its broad assertion that "to insure conservatism" all "such" accident sequences should be assigned particular probabilities is not supported. Nor does CFUR either allege or demonstrate that the Commission

ever relied upon these aspects of WASH-1400. Apparently, CFUR fails to recognize that the policy for exclusion of Class 9 accident sequences from consideration in licensing proceedings is not based on the WASH-1400 conclusions. Until that policy is changed by the Commission it is binding on individual licensing boards. Pennsylvania Power & Light Company, (Susquehanna Steam Electric Station, Units 1 and 2), LBP-79-6, 9 NRC 291, 324 (1979). Accordingly, CFUR Contention 3.A (Alternative 1) should be denied.

Proposed Contention 3.A (Alternative 2)

> Some accident sequences heretofore considered to have probabilities so low as to be considered incredible, based, in part, upon the findings of WASH-1400, are in fact more probable in light of additional findings such as those of the Lewis Committee and should be evaluated as credible accidents for CPSES. In order to insure conservatism, the probabilities associated with such accident sequences should be the highest probabilities within the specified confidence band. (Emphasis supplied by Applicants).
> [FORMERLY Contention III.A]

The wording of Contention 3.A (Alternative 2) is as preferred by Intervenors. For the reasons set forth above with respect to Alternative 1, Applicants believe this contention should be denied. Applicants oppose the revised wording of this contention because it significantly broadens the scope of the contention without any basis and in an untimely manner. Applicants further oppose Alternative 2 because it fails to specify the purported basis on which CFUR relies for this contention and is accordingly inadmissible in this proceeding as worded.

Proposed Contention 3.B

CFUR contends that a hydrogen explosion accident sequence needs to be added to the list of possible accident sequences for which consequences will be determined for CPSES.
[FORMERLY Contention III.B]

Applicants oppose admission of CFUR Contention 3.B because it is not supported by a reasonably specific basis as required by 10 CFR §2.714(b), and it raises an issue which is about to become the subject of general Commission rulemaking. CFUR fails to set forth with reasonable specificity an adequate basis for its contention that a hydrogen explosion accident should be considered in the Comanche Peak proceeding. While it alleges that certain adverse consequences "could conceivably" result from a hydrogen explosion within containment it fails to set forth any support for this hypothesis. In addition, it does not demonstrate why Comanche Peak would not satisfy present NRC requirements for dealing with hydrogen generation during an accident. CFUR also fails to provide any support for its claim that a hydrogen explosion accident should be considered a Class 9 accident and evaluated for CPSES.

As discussed above in Applicants response to Contention 3.A, consideration of the consequences of Class 9 accidents are generally precluded from consideration in individual reactor licensing proceedings. Offshore Power Systems, supra. Furthermore, a rulemaking proceeding on the subject of hydrogen management during an accident is presently being

considered by the Commission. The suggestion for a rulemaking on this issue was made in Item II.B.8 of the "NRC Action Plans Developed as a Result of the TMI-2 Accident," Draft 2, NUREG-0660, January 23, 1980. Because the Board cannot admit contentions which are (or are about to become) the subject of general rulemaking by the Commission, this contention is, or will soon be inadmissable in this proceeding. Potomac Electric Power Company (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-218, 8 AEC 79, 85 (1974). Accordingly, CFUR Contention 3.B should be denied.

Proposed Contention 4.A

> The Applicants have failed to establish and execute a quality assurance/quality control program which adheres to the criteria in 10 CFR Part 50, Appendix B. [FORMERLY Contention IV]

Applicants oppose admission of CFUR Contention 4.A because it is vague, fails to set forth with reasonable specificity a basis for the contention as required by 10 CFR §2.714(b), and does not establish a factual nexus between the alleged construction practices and safe operation of Comanche Peak. CFUR Contention 4.A is identical to the Board's restatement of the Intervenors' quality assurance/quality control contentions. 4/ However, as framed, the contention is vague and lacks the specificity necessary to

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4/ See "Order Relative to Standing of Petitioners to Intervene," Texas Utilities Generating Company, et al. (Comanche Peak Steam Electric Station, Units 1 and 2), LBP-79-18, 9 NRC 728, 733 (1979).

establish a litigable question. Also, the information set forth by CFUR as bases for this contention fails to establish a nexus between the alleged construction practices and safe operation of Comanche Peak, and lacks the required specificity in that it does not identify the source or basis for the allegations. Accordingly, CFUR Contention 4.A should be denied.

Proposed Contention 4.B

Applicants have failed to demonstrate sufficient managerial and administrative controls to assure safe operation as required in 10 CFR Part 50, Appendix B. Therefore, special operating conditions should be required. [FORMERLY Contention IV]

Applicants oppose admission of CFUR Contention 4.B because it fails to set forth with reasonable specificity a basis for the contention as required by 10 CFR §2.714(b) and CFUR does not establish a factual nexus between the allegations and the safe operation of Comanche Peak. While CFUR lists items set forth in I & E Inspection reports concerning the construction of Comanche Peak, it fails to establish how those items would affect the safe operation of Comanche Peak. In fact, CFUR did not even allege any nexus between the items in the I & E reports and the operation of Comanche Peak until after the first prehearing conference. As such this contention is an untimely filed contention and on this basis alone should be denied. 10 CFR §2.714(b). In any event, CFUR's allegations are not accompanied by bases which would support a demonstration that Applicants fail to meet applicable

NRC requirements for safe operation of Comanche Peak. Absent any such basis the contention cannot be admitted. Accordingly, CFUR Contention 4.B should be denied.

Proposed Contention 5

There is no assurance that the Spent Fuel Pool area can withstand the effects of tornadoes, as required by 10 CFR Part 50, Appendix A, Criterion 2 because:

a. The analyses upon which the Design Basis Tornado (DBT) is based are perfunctory, outdated and unreliable;
b. The loading analyses based on the Design Basis Tornado (DBT) are inappropriate because they fail to consider the potential loading combination of the DBT and a tornado-generated missile.
c. The assignment of a loading factor of 1.0 for load combination equations incorporating tornado loadings in combination with "normal and accident conditions" is unacceptable.
d. The DBT parameters used in FSAR Section 3.3.2.1 are less conservative than the parameters found in NRC Regulatory Guide 1.76c.2.

[FORMERLY Contention V]

Applicants oppose admission of CFUR Contention 5 because it fails to set forth a basis with reasonable specificity as required by 10 CFR §2.714(b) and it is not an appropriate issue at this stage in the proceeding. CFUR's challenge of the design basis tornado (DBT) is inappropriate in that the determination of the DBT is an issue more properly considered at the construction permit stage, 10 CFR Part 50, Appendix A, Criterion 2, and as such should not be raised at the operating license stage unless CFUR provides "significant new information developed after the construction permit review." Detroit Edison Company (Enrico Fermi Atomic Power Plant, Unit 2), LBP-79-1, 9 NRC

73, 86 (1979). Because the DBT was established at the construction permit phase, and CFUR supplies no signficant information which was not available during the construction permit proceedings this contention must be denied. In addition, CFUR presents no basis for its statements that the DBT analyses are unacceptable for Comanche Peak, the loading combination of a DBT and a tornado generated missile should be considered for Comanche Peak, or that the loading factor of 1.0 used for incorporating tornado loadings in combination with "normal and accident conditions" is "unacceptable" for CPSES. Accordingly, CFUR Contention 5 should be denied.

Proposed Contention 6

> Applicants have failed to adequately evaluate whether the rock "overbreak" and subsequent fissure repair using concrete grout have impaired the ability of Category I structures to withstand seismic disturbances. [FORMERLY Contention VI]

Applicants oppose admission of CFUR Contention 6 on the grounds that CFUR has not set forth a basis for the contention with reasonable specificity as required by 10 CFR §2.714(b). CFUR fails to set forth any basis for its allegation that the rock "overbreak" identified in an I & E Report presents a safety problem for the operation of Comanche Peak. Neither does CFUR support its conclusion in disputing the adequacy of the measures taken to repair the rock overbreak and soil fissures, which measures were found to be sufficient in Section IV.A of Inspection Report No.

76-05 (May 27, 1976). CFUR has not, therefore, set forth a basis to support Contention 6. Accordingly, CFUR Contention 6 should be denied.

Proposed Contention 7

Applicants have failed to adequately evaluate the impacts of the drawdown of the groundwater under CPSES during and as a result of plant operation.
[FORMERLY Contention IV.D]

Applicants oppose admission of CFUR Contention 7 on the grounds that it fails to set forth with reasonable specificity a basis for the contention, as required by 10 CFR §2.714(b). CFUR sets forth no basis to support a finding that the groundwater withdrawal rates during construction which CFUR discusses are in any way related to or would cause any adverse consequences during the operation of Comanche Peak. Also, CFUR does not specify what adverse "impacts" it is concerned with, nor does it identify any inadequacies in the discussion of groundwater withdrawal during operation of Comanche Peak in the Applicants' Environmental Report - Operating License Stage. As such, CFUR fails to set forth an adequate basis for admission of Contention 7. Accordingly, Contention 7 should be denied.

Proposed Contention 8

Applicants have failed to make any effort to determine the effect of radioactive releases on the general public other than at the exclusion boundary. Various transport mechanisms may cause, in certain cases, the bulk of the health effects to occur some distance from the exclusion boundary.
[FORMERLY Contention IX]

This proposed contention was filed by CFUR on October

30, 1979, more than five months after the deadline for filing of contentions. Applicants oppose admission of this contention because CFUR has not demonstrated that good cause exists for admitting this late filed contention and in any event the contention is not admissible because it is an attack on Commission regulations and is not supported by a reasonably specific basis as required by 10 CFR §2.714(b). Applicants do not at this point restate in its entirety the objections raised against admitting CFUR Contention 8, which are set forth in Applicants' Response to CFUR Motion to Add Contention, dated November 15, 1979. Applicants would like to emphasize, however, that CFUR has made no attempt to demonstrate that it satisfies any of the factors set forth in 10 CFR §2.714(a)(i) which govern the admissibility of late filed contentions. In any event, a balancing of those factors clearly weighs against admitting the contention. In addition, the issue raised in this contention is an attack on Commission regulations concerning permissible releases of radioactive effluents from a nuclear power facility (e.g., 10 CFR Part 20, 10 CFR Part 50, Appendix I), and as such is proscribed by 10 CFR §2.758. See, Union of Concerned Scientists v. AEC, 499 F.2d 1069 (D.C. Cir., 1974); Southern California Edison Company, et al., (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-268, 1 NRC 383, 399-400 (1975); Potomac Electric Power Company (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-218, 8 AEC 79, 89 (1974).

In addition, CFUR has failed to set forth a reasonably specific basis for this contention as required by 10 CFR §2.714(b). CFUR fails to identify the "various transport mechanisms" and the "certain cases" which allegedly will cause unacceptable health effects to persons beyond the exclusion boundary. Also, CFUR does not specify what is meant by "the bulk of the health effects" or its allegation that health effects from "any hypothetical release of radioactivity" would occur "some distance from the plant." CFUR Contention 8, therefore, lacks the necessary specificity for admission in this proceeding. Accordingly, CFUR Contention 8 should be denied.

Proposed Contention 9

The Applicants should be bound to any hardware modifications required to mitigate the consequences of Anticipated Transients Without Scram (ATWS) concerning Westinghoue reactors of the CPSES category even if the Commission grants an exemption to Applicants based upon some specific time frame.
[FORMERLY Contention VII.A]

Applicants oppose admission of Contention 9 because CFUR has failed to set forth with reasonable specificity a basis for the contention, as required by 10 CFR §2.714(b). CFUR sets forth as a purported basis for this contention only general statements noting that the NRC has identified this issue as an unresolved generic safety issue. The admissibility of contentions dealing with unresolved generic

admissibility of contentions dealing with unresolved generic safety issues is governed generally by the requirements of basis and specificity established in 10 CFR §2.714(b) and the principles set forth by the Licensing and Appeal Boards in the River Bend proceeding. Gulf States Utilities Company (River Bend Station, Units 1 and 20, LBP-76-32, 4 NRC 293 (1976); ALAB-444, 6 NRC 760 (1977). The Licensing Board in River Bend stated with respect to the admissibility of contentions concerning unresolved generic safety issues that there must be a demonstration of:

> nexus between the general discussion in the TSAR [5/] and any deficiency in the...application and the findings [the Board] must make.... [River Bend, LBP-76-36, supra, 4 NRC at 313.]

In other words, the Intervenor must show both a nexus between the unresolved generic safety issue and the particular reactor under review and that there is a deficiency in the application or the findings of the Board on those issues. In affirming the Licensing Board's treatment of the contentions dealing with unresolved generic safety issues, the Appeal Board in River Bend noted:

> The mere identification of a generic technical matter which is under further study by the Staff (such as a TSAR item or Task Action Plan) does not fulfill this obligation [to establish the nexus between the issue and the reactor under review], even if the matter has some patent relationship to

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5/ Unresolved generic safety issues are now set forth in NRC Task Action Plans discussed in NUREG-0410 and NUREG-0510, which supersede the Technical Safety Activities Report (TSAR).

> the category of reactor under review.... To establish the requisite nexus between the permit or license application and a TSAR item (or Task Action Plan), it must generally appear both (1) that the undertaken or contemplated project has safety signficance insofar as the reactor under review is concerned; and (2) that the fashion in which the application deals with the matter in question is unsatisfactory, that because of the failure to consider a particular item there has been an insufficient assessment of a specified type of risk for the reactor...
> [River Bend, ALAB-444, supra, 6 NRC at 773 (emphasis added).]

An additional factor which should be considered is that the Board is required to determine for itself that unresolved generic safety issues have been adequately dealt with by the Staff in the SER. See, Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-491, 8 NRC 245 (1978). These issues will not, therefore, be left unexamined prior to issuance of the operating license for Comanche Peak whether or not they are admitted as contentions in this proceeding. With respect to CFUR Contention 9, CFUR has set forth no basis to establish a nexus between the generic issue and Comanche Peak. Also, CFUR does not specify any information to suggest that Applicants will not comply with requirements, if any, imposed by the NRC regarding "hardware modifications" or any other actions to deal with Anticipated Transients Without Scram. Also, in the event the Commission promulgates regulations with regard to ATWS which place requirements on applicants or licensees depending upon the status of facility or facility review at

a particular date, Applicants will comply with those requirements applicable to Comanche Peak. To the extent that CFUR alleges that Applicants should comply with regulations concerning ATWS that are not applicable to Comanche Peak, the contention is an attack on Commission regulations and should, therefore, be denied. Potomac Electric Power Company (Douglas Point Nuclear Generating Station, Units 1 and 2) ALAB-218, 8 AEC 79, 89 (1974); 10 CFR §2.758. CFUR does not, therefore, satisfy the basis and specificity requirements for admitting the contention. Accordingly, CFUR Contention 9 should be denied.

Respectfully submitted,

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Date: April 10, 1980

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NUCLEAR REGULATORY COMMISSION

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(Comanche Peak Steam Electric Station, Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicant's Statement Of Positions On Proposed CFUR Contentions," in the captioned matter were served upon the following persons by deposit in the United States mail, first class postage prepaid this 10th day of April, 1980.

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April 10, 1980