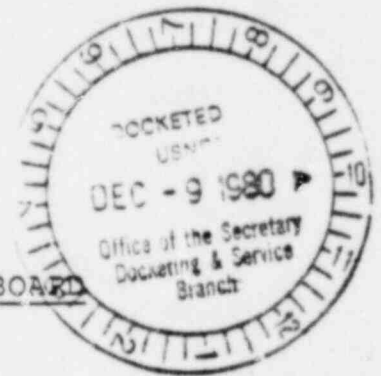


December 8, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
TEXAS UTILITIES GENERATING)
COMPANY, et al.)
)
(Comanche Peak Steam Electric)
Station, Units 1 and 2))

Docket Nos. 50-445
50-446

APPLICANTS' WITHDRAWAL OF MOTION TO COMPEL CASE

Texas Utilities Generating Co., et al. ("Applicants") hereby withdraw Applicants' September 18, 1980, Motion to Compel Citizens Association for Sound Energy ("CASE") to respond to Applicants' first set of interrogatories to CASE, filed August 1, 1980. On November 17, 1980, the Atomic Safety and Licensing Board ("Board") in the captioned proceeding granted CASE an extension of time until December 1, 1980, to supplement its response (October 2, 1980) to Applicants' motion to compel and/or its answers (September 3, 1980) to Applicants' first set of interrogatories and requests to produce. Also, the Board gave Applicants the opportunity to withdraw, modify or affirm their motion to compel CASE by December 8, 1980, in view of CASE's supplement (which was filed on December 1, 1980). In these circumstances,

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Applicants hereby withdraw their September 18, 1980 motion to compel.* /

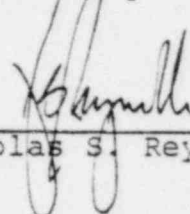
Applicants do not withdraw or modify their motions to compel directed to Citizens for Fair Utility Regulation ("CFUR"), dated September 30, 1980, and Texas Association of Community Organizations for Reform Now ("ACORN"), dated September 12, 1980. Those motions demonstrate the inadequacy of the responses of CFUR and ACORN to Applicants' interrogatories and requests to produce and seek appropriate orders by this Board to compel responses from those Intervenor to Applicants' discovery requests.

Discovery in this proceeding has bogged down, in large measure due to the unwillingness of these Intervenor to comply with lawful and reasonable discovery requests. Applicants served their first discovery requests on the parties in August, yet only CASE has attempted to provide meaningful responses thereto (some four months after Applicants' request was served). We submit that this flagrant disregard of NRC Rules of Practice should not be sanctioned,

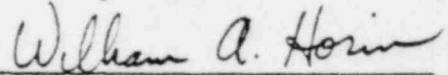
* / Applicants will, however, file a timely response to CASE's motion for a protective order set forth in its December 1, 1980 supplement. (See p. 7 of CASE's supplement.)

and request that the Board promptly dispose of the September 12 and September 30 motions to compel, so that the orderly progress of this proceeding may resume.

Respectfully submitted,



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Counsel for Applicants

December 8, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	Docket Nos. 50-445
COMPANY, <u>et al.</u>)	50-446
)	
(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating License)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Withdrawal of Motion to Compel Case", in the above captioned matter were served upon the following persons by deposit in the United States mail, first class postage prepaid this 17th day of October, 1980:

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