

11/20/80

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



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 (CPSSES)

Docket Nos. 50-445  
and 50-446

MOTION TO APPOINT CASE  
AS LEAD PARTY FOR CONSOLIDATED CONTENTIONS

COMES NOW CASE (Citizens Association for Sound Energy), Intervenor herein,  
and files this its Motion to Appoint CASE as Lead Party for Consolidated Con-  
tentions, as an alternative should CASE's 11/10/80 Motion to Grant CASE Separate  
Intervenor Status be denied.

CASE strongly urges that the Board consider and grant our Motion to Grant  
CASE Separate Intervenor Status. However, if that Motion is denied, CASE moves  
that CASE be appointed by the Board as lead party for the consolidated conten-  
tions.

As CASE interprets the Board's 10/31/80 Announcement of Plans for Consoli-  
dation of Parties, the only Contentions in question are: 4, on which ACORN and  
CFUR would be joined; 22, 23, and 24, on which ACORN and CASE would be joined;  
and 5, on which ACORN, CFUR, and CASE would be joined. We ask the Board to  
please advise if this is incorrect.

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With regard to the Contentions on which CASE would be joined with other Intervenor(s), there are good and valid reasons why CASE should be designated as lead party for the consolidated contentions:

Contention 22: This contention, regarding emergency planning, consists of six sub-parts, a through f. CASE and ACORN share only one of these six sub-parts, f; the rest are all CASE contentions. Therefore, it would be logical, since ACORN has indicated no interest in the contentions contained in a through e, for CASE to be the lead party for Contention 22, should our Motion to Grant CASE Separate Intervenor Status be denied by the Board. (We are assuming from the Board's Announcement that it is the Board's intention to join Intervenor(s) on the entire Contention in question, rather than only on the shared sub-part. If this assumption is incorrect, we ask that the Board so advise us.)

Contention 23: There is no clear indication as to whether CASE or ACORN should be the lead party for this contention as there is regarding other contentions. However, CASE would still move that we be designated lead party for this Contention because of its relative importance to CASE; we consider this one of the most important (if not the most important) of our contentions and strongly believe we should be allowed to fully explore and present this contention in the hearings. We believe this can only be done if we are designated lead party for this Contention.

Contention 24: This contention concerns the cost/benefit analysis insofar as four separate and distinct items are concerned: sub-part a, decommissioning; sub-part b, spent fuel accident; sub-part c, fuel costs and supply; sub-part d, waste storage. ACORN and CASE share only sub-part a of these four. Therefore, it is logical for CASE to be designated lead party for this Contention, since ACORN has indicated no interest in the other three sub-parts. Since sub-parts b, c, and d are major contentions in themselves and concern such a variety of subjects, it would be unreasonable to expect ACORN to make itself aware of all the pertinent data on these contentions and expect ACORN to be able to adequately present the case of this Intervenor, as the designated lead party should be able to do.

Contention 5. This QA/QC contention is also one of the most important to CASE, equalled only by Contention 23 in importance. CASE moves that it also be designated lead party for this Contention. We have already begun discovery on this contention, and we are in fact the only one of the three Intervenor which has asked interrogatories and production of documents regarding this Contention. Since we have already taken the lead in pursuing this contention, it is logical that we should be designated lead party regarding it.

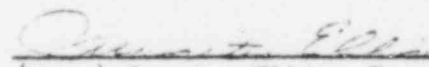
CASE strongly believes that the rights of each party involved will be prejudiced if any two or three are joined in these proceedings, and we strongly urge that the Board grant CASE's Motion to Grant CASE Separate Intervenor Status.

CASE frankly feels inadequate to the task of representing the interests of the other Intervenor(s) in these proceedings; however, we feel equally as strongly that CASE's interests would not be adequately represented by the other Intervenor(s).

Therefore, should the Board deny CASE's Motion to Grant CASE Separate Intervenor Status, we move that CASE be designated lead party for Contentions 5, 22, 23, and 24.

WHEREFORE, PREMISES CONSIDERED, CASE moves that this Board grant CASE's Motion to Grant CASE Separate Intervenor Status, or if the Board denies that motion that CASE be designated lead party for the consolidated contentions.

Respectfully submitted,

  
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(Mrs.) Juanita Ellis, President  
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11/20/80

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)

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CERTIFICATE OF SERVICE

By my signature below, I certify that copies of "CASE's Motion to Grant CASE Separate Intervenor Status" and "Contingent Motion to Appoint CASE as Lead Party for Consolidated Contentions" has been sent this 20th day of November, 1980, to all parties on the service list below by deposit in the U. S. Mail, First Class Mail:

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