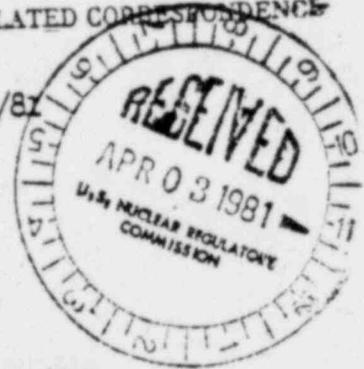


RELATED CORRESPONDENCE

3/17/81



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

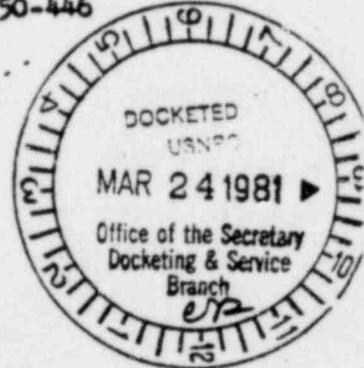
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 (CPSIS)

||
||
||
||
||

Docket Nos. 50-445
and 50-446



CASE'S MOTION TO COMPEL AND
TO REQUIRE SUPPLEMENTATION OF RESPONSES
TO CASE'S FOURTH SET OF
INTERROGATORIES TO APPLICANTS

COMES NOW CASE (Citizens Association for Sound Energy), hereinafter referred to as CASE, Intervenor herein, and files this, its Motion to Compel and to Require Supplementation of Responses to CASE's Fourth Set of Interrogatories to Applicants.

I. BACKGROUND

On 2/17/81, CASE filed its Fourth Set of Interrogatories to Applicants. Applicants filed their Answers to CASE's Fourth Set of Interrogatories on March 9, 1981 (which CASE received 3/13/81).

II. MOTION TO COMPEL

Some of the answers filed by Applicants to CASE's Fourth Set of Interrogatories are incomplete, unresponsive, and evasive and do not comply with CASE's request to answer fully and include all pertinent information. CASE's questions dealt with Contention 25 regarding financial qualifications and Contention 22 on Emergency Planning.

810 4060 790

G

D503
S0/1

Applicants' answers to CASE's Fourth Set of Interrogatories clearly demonstrate that Applicants have no intention of providing even minimal information in response to CASE's questions, especially regarding Contention 25. For this reason and the reasons set forth following in regard to specific questions, CASE moves that this Board order Applicants to promptly answer completely the questions set forth below and to supplement its answer as soon as new information becomes available.

III. SPECIFIC INTERROGATORIES

Contention 25. The requirements of the Atomic Energy Act, as amended, 10 CFR 50.57(a)(4) and 10 CFR 50, Appendix C, have not been met in that the Applicant is not financially qualified to operate the proposed facility.

Question 1. CASE's question was very simple and very specific:

"Do the Applicants believe that they have done everything necessary and required to demonstrate that they have met the requirements of the Atomic Energy Act, as amended, 10 CFR 50.57(a)(4) and 10 CFR 50, Appendix C?"

Applicants' answer was only partially responsive:

"Applicants have provided the financial information, as required by 10 C.F.R. 50.33(f) and 10 C.F.R. Part 50, Appendix C, to enable the Commission to make the findings required by 10 C.F.R. 50.57(a)(4) regarding the Applicants' financial qualifications. The NRC Staff may request additional information as part of their review of the Applicants' financial qualifications. See answer to Interrogatory 5, below."

Applicants' answer to Question 5 states:

"Appropriate information has been submitted to NRC which demonstrates that DP&L, TESCO and TP&L all have reasonable assurance of obtaining the funds necessary to cover their share of the estimated costs of operation for each of the first five years of operation plus the estimated costs of permanently shutting down the facility and maintaining it in a safe condition. As to BEPC, TMPA and Tex-La, Applicants also anticipate amending the operating license application to update financial information, particularly concerning TMPA and BEPC, and to provide financial information regarding Tex-La. Applicants also anticipate responding to NRC Staff questions on financial

III. Question 1 (continued):

matters. The above information will be available when it is submitted to the NRC Staff."

Applicants completely ignored that portion of our interrogatory and our contention regarding the Atomic Energy Act, as amended, specifically 42 U. S. Code Section 2232(a):

"Each application for a license hereunder shall be in writing and shall specifically state such information as the Commission, by rule or regulation, may determine to be necessary to decide such of the technical and financial qualifications of the Applicants, the character of the Applicant, the citizenship of the Applicant, or any other qualifications of the Applicant as the Commission may deem appropriate for the license."

Applicants did not object to this portion of CASE's question; they simply ignored it completely.

CASE moves that the Board compel Applicants to answer this portion of Question 1.

Question 2 requested certain very specific information:

"If the answer to Question 1 above is yes, answer the following questions:

- "(a) What specific documents have Applicants provided to the NRC to comply with these regulations? (Provide a listing by: date of document; date document was sent to the NRC; name and title of NRC representative to whom document was sent; name, title, and company affiliation of Applicants' representative who sent document; title of document; general content of document in terms of what it purports to show with regard to this contention.)
- "(b) Provide all documents listed in (a) above for inspection and copying.
- "(c) Are the documents listed in (a) above all the documentation which Applicants have provided the NRC to demonstrate that they have met the requirements referenced in Question 1 above?"

Applicants answer was:

- "(a) The financial information required by 10 C.F.R. 50.33(f) and 10 C.F.R. Part 50, Appendix C was submitted to the NRC in the Comanche Peak Steam Electric Station Application for Operating License, April 21, 1978.

"(b) Applicants will respond to this request for production of documents pursuant to and on the schedule provided in 10 C.F.R. 2.740(d).

"(c) The Applicants have provided and will provide as required annual financial reports."

Applicants' response to this interrogatory was totally unresponsive. CASE asked this question in order to ascertain which specific documents Applicants may have provided the NRC to comply with regulations and to ascertain which documents CASE may not have so that we can obtain such documents. We cannot do this if we do not know what the documents are.

Applicants answer to 2(c) is also incomplete. Applicants state only that they have provided annual financial reports; they do not indicate whether these were annual financial reports of Dallas Power & Light, Texas Power & Light, Texas Electric Service Company, Brazos Electric Power Cooperative, Inc., Texas Municipal Power Agency, and/or TEX-LA Electric Cooperative of Texas, Inc. CASE is therefore unable to determine which, if any, of these documents we lack and therefore need to obtain. Further, although Applicants state that they have provided and will provide annual financial reports, they do not specifically answer the question which was asked; Applicants' answers to 2(a) and 2(c) could very well both be true and the answer to 2(c)'s specific question could still be "no." It should be noted that Applicants did not object to any of Question 2.

CASE therefore moves that the Board compel Applicants to supply complete answers to Questions 2(a) and 2(c) and that the Board compel Applicants to answer 2(b) based on a complete answer to question 2(a), rather than based on the incomplete answer provided by Applicants.

Questions 3 and 4:

Question 3. asked the following specific information:

"Answer the following question for each of the Applicants listed below: Does the Applicant have the ability to pay its obligations on a timely basis, to pay a reasonable return to its investors, to borrow money at a reasonable rate, to maintain a good credit rating, and to maintain flexibility within its dealings in the financial community and in obtaining capital?"

- "(a) Dallas Power & Light Company (DP&L)
- "(b) Texas Electric Service Company (TESCO)
- "(c) Texas Power & Light Company (TP&L)
- "(d) Brazos Electric Power Cooperative, Inc. (BEPC)
- "(e) Texas Municipal Power Agency (TMPA)
- "(f) TEX-LA Electric Cooperative of Texas, Inc. (TEX-LA)"

Most of Applicants' response to this interrogatory sets forth the Applicants'

interpretation of NRC regulations:

"NRC regulations governing financial qualifications of an applicant for a power reactor operating license (10 C.F.R. 50.33(f) and 10 C.F.R. Part 50, Appendix C) require that the licensee possess or have reasonable assurance of obtaining the funds necessary to cover its share of the estimated costs of operation for each of the first five years of operation plus the estimated costs of permanently shutting down the facility and maintaining it in a safe condition. Each of the participants in the Comanche Peak project has the financial qualifications to carry out, in accordance with these regulations, the activities for which the operating license for Comanche Peak is sought."

Question 4 was a follow-up question to Question 3:

"If the answer to any of the above is no, explain specifically in what regard it is not so, for each Applicant to which this is applicable."

Applicants' answer to Question 4 was: "Not applicable."

Clearly, Question 3 and its follow-up Question 4 comply with the provisions of 10 CFR 2.740(b)(1), 10 CFR Part 50, Appendix C, the Atomic Energy Act (U. S. Code Section 2232(a)), and 10 CFR 50.33(f), as cited on page 3 (under Question 1) and following in this pleading. Further, the information requested is especially important in regard to BEPC, TMPA, and TEX-LA, since Applicants Answer 5 indicates

that the information regarding BEPC and TMPA is to be updated, and regarding TEX-LA has yet to be provided (to the NRC -- it is not clear from Applicants' answer that it will be provided to CASE).

Applicants' response to these two interrogatories is evasive and inadequate. Applicants must answer discovery requests to the best of their ability based on the information presently available to them. Applicants did not object to these two interrogatories; they simply did not answer the specific questions posed. This is clearly contrary to NRC regulations, specifically 10 CFR 2.740(b)(1) which states in part:

"Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, whether it relates to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter...It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence."

CASE has specific evidence in the form of sworn testimony by one of the Applicants, Dallas Power & Light Company (DP&L), and access to specific evidence in the form of sworn testimony by two of the other Applicants, Texas Power & Light Company (TP&L) and Texas Electric Service Company (TESCO), which supports CASE's contention. At the moment, the other three Applicants' financial condition is still unknown to CASE. CASE's evidence must be considered and we must be allowed to pursue questions which are reasonably calculated to lead to the discovery of admissible evidence. Clearly, should the Applicants answer to any sub-part of Question 3 be "no," this would be admissible evidence supportive of CASE's contention

or could lead to the discovery of admissible evidence supportive of CASE's contention.

For these reasons, CASE moves the Board to compel Applicants to promptly supply complete answers to the specific questions asked by CASE in Questions 3 and 4, and to compel Applicants to promptly supplement their answers to these questions should there be a change in the future from their present answers.

Questions 5, 6, and 7:

Question 5 was:

"If the answer to any or all of (a through f) of Question 3 above is yes, for each Applicant listed, answer the following question: Has the Applicant supplied documentation (as set forth in your answer to 2(a) preceding) to prove your answer to question 3 preceding?"

Question 6:

"If the answer to any part of question 5 above is no, explain specifically and in detail exactly how the Applicant(s) in question have failed to provide such documentation."

Question 7:

"If the answer to any part of question 5 above is no, is it the Applicant(s) position that it is not necessary for said Applicant(s) to provide this documentation?"

Applicants answers were:

"5. Appropriate information has been submitted to NRC which demonstrates that DP&L, TESCO and TP&L all have reasonable assurance of obtaining the funds necessary to cover their share of the estimated costs of operation for each of the first five years of operation plus the estimated costs of permanently shutting down the facility and maintaining it in a safe condition. As to BEPC, TMPA and Tex-La, Applicants also anticipate amending the operating license application to update financial information, particularly concerning TMPA and BEPC, and to provide financial information regarding Tex-La. Applicants also anticipate responding to NRC Staff questions on financial matters. The above information will be available when it is submitted to the NRC Staff."

"6. See response to Interrogatory 5."

"7. See response to Interrogatory 5."

Since Questions 5, 6, and 7 all refer back to Question 3 and Question 3 has not been answered, Applicants' responses to Questions 5, 6, and 7 are also incomplete and inadequate and unresponsive to the specific questions asked. (Applicants state that "the above information" supplied in answer to Question 5 "will be available when it is submitted to the NRC Staff." Even if Applicants' had submitted an appropriate response to Question 5, which they did not, such response would still have been unresponsive, since Applicants must answer to the best of their ability based on the information presently available to them.)

CASE therefore moves that the Board compel Applicants to supply complete answers to the specific questions asked in Question 5, 6, and 7, and that the Board compel Applicants to promptly update their answers should there be changes in the future which would render Applicants answers incorrect or incomplete.

Question 8. "If the answer to any part of question 7 above is yes, explain exactly what the Applicants believe they are required to do to demonstrate that they are financially qualified to operate CPSES. Include in your answer specifically what you believe the requirements for each Applicant are, as well as what you believe the requirements are for the Applicants as a whole."

Applicants' answer was: "Not applicable."

Since Question 8 refers back to Questions 7, 5, 3, and 2(a) and those questions have not been answered completely and adequately, Applicants' answer to Question 8 is not necessarily correct; CASE suspects that if Applicants are required to respond completely and adequately to Questions 7, 5, 3, and 2(a), their answer to Question 8 would also need to be changed.

Therefore, CASE moves that the Board compel Applicants to supply an updated answer to Question 8 after they have responded completely and adequately to Questions 7, 5, 3, and 2(a).

Question 9. "Have you prepared any report, study or other documents (as defined on page 2 of this pleading) with respect to this contention?"

Applicants' response was: "Only that listed in the response to Interrogatories 2(a) and 2(c)."

Since Applicants have not responded adequately to Questions 2(a) and 2(c), their response to Question 9 was also inadequate; however, this will be taken care of if the Board compels Applicants to supply complete and accurate answers to Questions 2(a) and 2(c). This is another reason for the Board to require such supplementation of Questions 2(a) and 2(c).

In addition, CASE moves that the Board compel Applicants to promptly supplement their response to Question 9 should any other report, study or other documents be prepared by Applicants with respect to this contention in the future.

Question 10: "If the answer to question 9 above is yes, identify each such document (if not identified in your answer to question 2(a) preceding) by subject and author, including the author's professional and educational background."

Applicants' response was: "See response to Interrogatories 2(a) and 2(c)."

The response by Applicants to Interrogatories 2(a) and 2(c) do not answer the specific questions asked in 2(a) and 2(c) or in 10.

CASE therefore moves that the Board compel Applicants to supply complete answers to Questions 2(a) and 2(c) and Question 10, and that the Board compel Applicants to promptly supplement their response to Question 10 should new information develop which would render Applicants' answer incorrect or incomplete.

Question 11: "If the answer to question 9 preceding is yes, provide for copying and inspection each such report, study or document referenced in your answer to question 10 above."

Applicants' response was: "See response to Interrogatory 2(b)."

Since Applicants' response to Question 2(b) was "Applicants will respond to this request for production of documents pursuant to and on the schedule provided in 10 C.F.R. 2.740(a)" and since Question 2(b) referred back to 2(a) and Applicants' response to Question 9 referred back to 2(a) and 2(c), this is another reason for the Board's compelling complete answers to Questions 2(a) and 2(c). Further, CASE moves that the Board compel Applicants to answer Question 11 based on complete answers to questions 2(a) and 2(c), rather than based on the incomplete answers provided by Applicants.

Comments regarding Contention 25:

From Applicants' answers, it is obvious that they intend to respond only to the NRC Staff's questions and requests and to stonewall on any questions from CASE. This position by Applicants is clearly contrary to NRC regulations, specifically 10 CFR 2.740(b)(1) (as discussed on page 6 of this pleading) and 10 CFR Part 50, Appendix C, which states in part:

"The kind and depth of information described in this guide is not intended to be a rigid and absolute requirement. In some instances, additional pertinent material may be needed. In any case, the applicant should include information other than that specified if such information is pertinent to establishing the applicant's financial ability to construct and operate the proposed facility.

"The Commission reserves the right, however, to require additional financial information at the construction permit stage, at the operating license stage, and during operation of the facility, particularly in cases in which the proposed power generating facility will be commonly owned by two or more existing companies or in which financing depends upon long-term arrangements for the sharing of the power from the facility by two or more electrical generating companies."

"Section 50.33(f) requires that all applications for operating licenses show that the applicant possesses the funds necessary to cover estimated operating costs, or has reasonable assurance of obtaining the necessary funds, or a combination of the two. In addition, each application for a license for a facility other than a medical or research reactor is required to show that the applicant possesses or has reasonable assurance of obtaining the funds necessary to pay the estimated costs of operation for the period of the license or for 5 years, whichever is greater, plus the estimated costs of permanently shutting down the facility and maintaining it in a safe condition. For the purposes of the latter requirement, it will ordinarily be sufficient to show at the time of filing of the application, availability of resources sufficient to cover estimated operating costs for each of the first 5 years of operation plus the estimated costs of permanent shutdown and maintenance of the facility in safe condition." (Emphases added.)

Clearly, the requirements of 10 CFR Part 50, Appendix C, as set forth above, are not as stated by Applicants in their answer to Question 3 (see page 5 of this pleading), although Applicants apparently intend to answer CASE's questions only insofar as such questions fall within the limitations the Applicants have decided upon.

Applicants, by their response to CASE's questions, have made the determination themselves that "Applicants have provided the financial information...to enable the Commission to make the findings required by 10 C.F.R. 50.57(a)(4) regarding the Applicants' financial qualifications." CASE submits that only the Atomic Safety and Licensing Board in these proceedings has the authority to make such a determination. Further, Applicants state that "the NRC Staff may request additional information..." and "Applicants also anticipate responding

to NRC Staff questions on financial matters" and state that "the above information will be available when it is submitted to the NRC Staff." (Emphases added.)

It is one thing for the Applicants to believe that they have done everything necessary and required to demonstrate that they have met the requirements of the Atomic Energy Act, as amended, 10 CFR 50.57(a)(4) and 10 CFR 50, Appendix C; it is another thing for Applicants to misinterpret these requirements and to refuse to answer CASE's legitimate questions because such questions do not fall within the narrow boundaries and limitations which Applicants would impose.

If an individual owes \$400 a month rent, \$100 a month electric bill, \$50 a month gas bill, and \$150 month food bill, stating that the individual does have \$50 a month to pay the gas bill and ignoring the other bills is not sufficient evidence to prove that the individual is financially healthy. Similarly, Applicants' self-proclaimed statement that they have provided the financial information to enable the NRC to make the findings required by 10 CFR 50.57(a)(4) regarding the Applicants' financial qualifications is not sufficient to prove that Applicants are financially healthy. Other pertinent evidence and information must also be considered, including the specific evidence discussed in the last paragraph of page 6 of this pleading.

10 CFR Part 50, Appendix C, only states that "...it will ordinarily be sufficient to show at the time of filing of the application, availability of resources sufficient to cover estimated operating costs for each of the first 5 years of operation plus the estimated costs of permanent shutdown and maintenance of the facility in safe condition." (Emphasis added.) Clearly, these operating license proceedings are not ordinary -- Applicants are being challenged, based on sworn testimony of three of the six Applicants themselves, regarding their financial qualifications,

in addition to being challenged (in Contention 24(a)) regarding their cost estimates of decommissioning CPSES. Applicants must go beyond the narrow boundaries they have attempted to impose in order to prove their financial qualifications to operate CPSES.

It is imperative that the Board therefore compel Applicants to supply complete answers to CASE's interrogatories regarding this contention to assure that Applicants meet the requirements of the Atomic Energy Act, as amended, and NRC regulations.

CONTENTION 22: Applicants have failed to comply with 10 CFR Part 50, Appendix E, regarding emergency planning, for the following reasons:

- a. The FSAR does not identify state or regional authorities responsible for emergency planning or who have special qualifications for dealing with emergencies.
- b. No agreements have been reached with local and state officials and agencies for the early warning and evacuation of the public, including the identification of the principal officials by titles and agencies.
- c. There is no description of the arrangements for services of physicians and other medical personnel qualified to handle radiation emergencies and arrangements for the transportation of injured or contaminated individuals beyond the site boundary.
- d. There are no adequate plans for testing by periodic drills of emergency plans and provisions for participation in the drills by persons whose assistance may be needed, other than employees of the Applicants.
- e. There is no provision for medical facilities in the immediate vicinity of the site, which includes Glen Rose; and
- f. There is no provision for emergency planning for Glen Rose or the Dallas/Ft. Worth metroplex.

Question 12. "State in your own words the meaning of 'emergency planning.'"

Applicants objected to this interrogatory as irrelevant and stated "Contention 22 is not the Applicants' contention. Applicants are not required to explain what Intervenor's intend with respect to the language of Contention 22."

Applicants erroneously assumed that CASE was referring to "emergency planning"

in the context of CASE's wording of Contention 22. This is not what CASE's question said or what we intended. We are concerned with the much broader concept of emergency planning, response, and preparedness. The reason for CASE's question is that we believe that Applicants do not clearly understand the concept, reasons and intentions of emergency planning, and that Applicants' primary concern in regard to emergency planning is to comply to the letter of the law and requirements of the NRC rather than the spirit of the law and requirements. CASE believes that Applicants' answer to this interrogatory might well prove CASE's belief to be true.

Therefore, CASE moves that the Board compel Applicants to supply a complete answer to this interrogatory in light of the above explanation.

Question 14. "Specifically, is it the Applicants' position that your Emergency Plan (as revised October 8, 1980) includes everything necessary to meet every criteria referenced in this contention?"

Applicants' answer was "See response to Interrogatory 13."

Question 13 was: "Is it the Applicants' position that your Emergency Plan (as revised) fulfills all the requirements of 10 CFR Part 50, Appendix E?"

Applicants' answer was: "Applicants believe the Comanche Peak Emergency Plan meets applicable requirements established pursuant to the provisions of and the schedule for compliance in 10 C.F.R. 50.47 and Part 50, Appendix E."

CASE's Questions 13 and 14 were not the same. There are some obvious disagreements between Applicants and CASE and ACORN, for instance, regarding the need for provisions for emergency planning for the Dallas/Ft. Worth metroplex area. CASE's question 14 was an attempt to determine which specific portions of Contention 22 are in the category of not being done by Applicants because Applicants

do not believe they are required to do them (rather than in the category of being in dispute between Applicants and CASE as to whether or not they have adequately complied with NRC regulations). An answer to Question 14 in conjunction with Question 13 would have provided that information.

Therefore, CASE moves that the Board compel Applicants to supply an answer to the specific question asked in Question 14.

IV. CASE'S MOTION TO REQUIRE SUPPLEMENTATION OF RESPONSES

On February 23, 1981, Applicants' filed their Motion to Compel and to Require Supplementation of Responses to Applicants' Second Set of Interrogatories to CASE. In that pleading, Applicants raised a hitherto unthought-of question in CASE's mind regarding whether or not Applicants intended to supplement their answers to previously asked CASE questions when and as new information made the original answers different, incomplete or inaccurate. As stated in CASE's 3/10/81 Answer to Applicants' Motion to Compel and to Require Supplementation of Responses to Applicants' Second Set of Interrogatories to CASE, it is and always has been CASE's intention to supplement all answers prompt as soon as previous answers became different, incomplete or inaccurate. The fact that Applicants felt it necessary to pursue the matter of supplementation further, despite CASE's repeated assurances, raised the question in CASE's mind about whether or not Applicants would similarly supplement their answers in light of the fact that we have no such written assurances that they plan to comply with CASE's requests in previous interrogatories to do so. (See CASE's 3/10/81 Answer to Applicants' Motion to Compel and to Require Supplementation of Responses to Applicants' Second Set of

interrogatories to CASE, pages 1 through 4, item I.)

CASE believes, as apparently Applicants also do, that a more efficient proceeding will be assured if parties supplement their responses as soon as they obtain further information by eliminating the need for other parties to resubmit discovery requests. We also agree that it would be helpful for the Board to clarify the necessity for supplementation of answers as soon as parties obtain or develop responsive information.

However, CASE believes that this is true not only for CASE but for Applicants as well. We had assumed that Applicants intended to supplement their answers since we had specifically requested such supplementation in our previous interrogatories to them.

In light of Applicants' 2/23/81 Motion to Compel and to Require Supplementation of Responses to Applicants' Second Set of Interrogatories to CASE and the fact that CASE is now unsure whether or not Applicants intend to supplement any of their answers to CASE's interrogatories, CASE now moves that the Board issue an order pursuant to 10 CFR 2.740(e)(3) requiring Applicants to supplement its responses to CASE's First, Second, Third, Fourth and future sets of interrogatories as soon as information is developed or obtained with respect to any of those interrogatories.

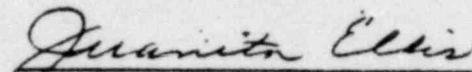
For the reasons set forth previously in this pleading, CASE hereby moves that the Board compel the Applicants to:

- (1) Supply at once complete answers to CASE's Questions 1, 2(a), 2(b), 2(c), 3(a), 3(b), 3(c), 3(d), 3(e), 3(f), 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14

- of CASE's 2/17/81 Fourth Set of Interrogatories to Applicants;
- (2) Respond to Question 2(b) based on a complete answer to Question 2(a) and respond to Question 11 based on a complete answer to Questions 2(a) and 2(c) of CASE's 2/17/81 Fourth Set of Interrogatories to Applicants and Requests to Produce; and
- (3) Supplement its responses to CASE's First, Second, Third, Fourth and future sets of interrogatories as soon as information is developed or obtained with respect to any of those interrogatories (including those interrogatories to which Applicant has answered "not applicable" because the information or documents requested are not presently available but will be in the future).

WHEREFORE, PREMISES CONSIDERED, CASE moves that the Board grant the motions requested herein.

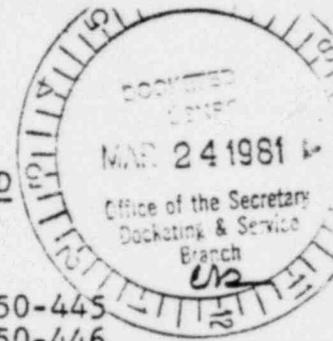
Respectfully submitted,



(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk
Dallas, TX 75224
214/946-9446
214/941-1211, work, part-time, usually
Tuesdays and Fridays only

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 (CPSSES)

Docket Nos. 50-445
and 50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
CASE'S MOTION TO COMPEL AND TO REQUIRE SUPPLEMENTATION OF RESPONSES TO CASE'S
FOURTH SET OF INTERROGATORIES TO APPLICANTS
have been sent to the names listed below by First Class Mail this 17th day
of March, 1981. * = with Certificate of Mailing receipt.

*Valentine B. Deale, Esq., Chairman
Atomic Safety and Licensing Board
1001 Connecticut Avenue, N. W.
Washington, D. C. 20036

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

Jeffery L. Hart, Esq.
4021 Prescott Avenue
Dallas, TX 75219

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

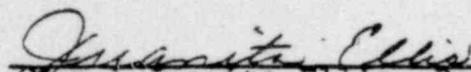
Mr. Richard Fouke
1668-B Carter Drive
Arlington, TX 76010

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

Arch C. McColl, III, Esq.
701 Commerce Street, Suite 302
Dallas, TX 75202


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