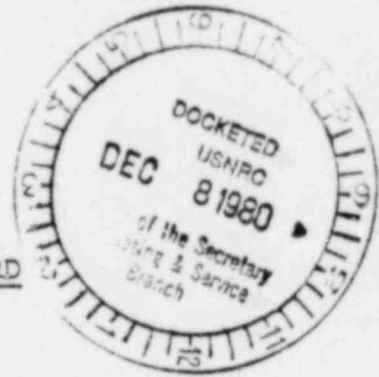


December 5, 1980

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' ANSWER TO CASE'S MOTIONS
(1) FOR SEPARATE INTERVENOR STATUS
AND (2) ALTERNATIVELY FOR APPOINTMENT
AS LEAD PARTY FOR CONSOLIDATED CONTENTIONS

Pursuant to 10 CFR §2.730(c), Texas Utilities Generating Company et al. ("Applicants") hereby answer the motions of Citizens Association for Sound Energy ("CASE") served November 20, 1980 for separate intervenor status, or, in the alternative, to be designated lead party on the consolidated contentions. CASE filed these motions in response to the October 31, 1980 Order of the Atomic Safety and Licensing Board ("Board") regarding consolidation in which the Board invited each Intervenor to inform the Board of its choice for the lead party for each contention.^{1/}

1/ We question the need for or propriety of CASE's motions, given that the Board merely invited the views of the Intervenor on consolidation. CASE's motions merely trigger an unnecessary flurry of pleadings which likely restate the positions of the parties previously enunciated. Nevertheless, we feel compelled to respond formally to CASE's motions.

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I. CASE's Motion for Separate Intervenor
Status Should be Denied

CASE argues in its motion for separate intervenor status that any consolidation of CASE with other Intervenor would prejudice its rights as a party. However, CASE has not adequately demonstrated that its rights as an intervenor would in fact be prejudiced by consolidation.

While CASE claims that there may be some inconveniences involved in consolidation, CASE has not shown that it would be impossible or even inordinately taxing for Intervenor to coordinate their consolidation. Portland General Electric Co. (Trojan Nuclear Plant), ALAB-496, 8 NRC 308, 310 (1978). Further, CASE has not demonstrated that consolidation would be improper under the tests in 10 CFR §2.715a. CASE has substantially the same interests as other Intervenor, and raises substantially the same questions in at least four contentions (viz., Contentions 5, 22(f), 23 and 24(a)) as one or more of the other Intervenor. Further, consolidation should lead to considerable savings of resources of all parties and would promote efficient administrative proceedings. In sum, Applicants rely on their November 20, 1980 Comments on Consolidation to support consolidation of the Intervenor as within this Board's authority and as appropriate in this proceeding. Thus, the Board should deny CASE's motion for separate intervenor status.

II. CASE's Motion to be Appointed
Lead Party Should be Granted
In Part

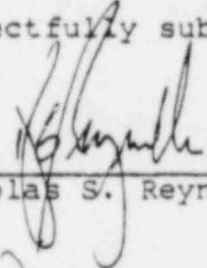
If CASE's motion for separate Intervenor status is denied, CASE moves in the alternative to be appointed lead party on each contention which CASE raised which may be consolidated with contentions of other Intervenors. Since all Intervenors apparently have not reached agreement as to which Intervenor should serve as lead party for each contention,^{2/} Applicants urge this Board to adopt Applicants' recommendations for consolidation as set forth in Applicants' November 20, 1980 Comments on Consolidation.

In this regard, Applicants believe that CASE's motion should be granted to the extent that CASE would thereby become lead party for Contentions 22(f) and 24(a). As to all other contentions on which consolidation is appropriate, CASE's motion should be denied. In support of this position, Applicants rely

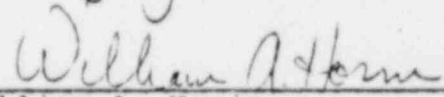
^{2/} Compare CASE's "Motion to Appoint CASE as Lead Party for Consolidated Contentions" (November 20, 1980), CFUR's "Plans for Consolidation of Parties" (November 20, 1980), and "ACORN's Response to Announcement of Plans for Consolidation of Parties" (November 20, 1980). Each Intervenor has claimed it should be lead party on each consolidated contention.

on the reasons set forth in Applicants' Comments on Consolidation.

Respectfully submitted,



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December 5, 1980

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NUCLEAR REGULATORY COMMISSION

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)	
(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' Answer to CASE's Motions (1) for Separate Intervenor Status and (2) Alternatively for Appointment as Lead Party for Consolidated Contentions," in the above captioned matter were served upon the following persons by deposit in the United States mail, first class postage prepaid this 5th day of December, 1980:

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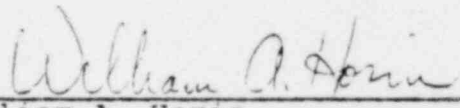
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