

2/6/81

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 (CPSSES)

Docket Nos. 50-445
and 50-446



CASE'S ANSWERS TO APPLICANT'S SECOND SET
OF INTERROGATORIES AND REQUESTS TO PRODUCE

COMES NOW CASE (Citizens Association for Sound Energy), hereinafter referred to as CASE, Intervenor herein, and files this, its Answers to Applicants' Second Set of Interrogatories and Requests to Produce,¹ dated January 12, 1981, and received by CASE on January 17, 1981.

ANSWERS

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.

¹ On January 26, 1981, in telephone conversations with Mr. William Horin and Mr. Valentine Deale, it was agreed that Applicants have no objection to an extension of time of filing this response till February 6 (instead of January 31, 1981), and CASE was granted such extension.

This extension was necessary due to illness of CASE's primary representative.

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- 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.

1-2. The present wording of Contention 22 is CASE's own wording; see 5/7/79 Supplement to Petition for Leave to Intervene and Contentions by CASE (hereinafter referred to as CASE's 5/7/79 Contentions), pages 40, 41 and 42.

2-2. 10 CFR Appendix E to Part 50; NUREG-0634, FEMA-REP-1, Rev. 1, which CASE is in the process of reviewing, along with related documents; and CASE's 5/7/79 Contentions, pages 40, 41, and 42, and CASE's 4/10/80 Position on Contentions, pages 43 and 44.

3-2. No.

4-2. No.

5-2. None. We will probably have future meetings with ACORN regarding 22.f. since we are now consolidated on this portion of this contention.

6-2. None.

7-2. Yes. Unknown at this time.

8-2. Probably. Unknown at this time.

9-2. Probably. Unknown at this time.

10-2. Unknown at this time.

11-2. Yes. However, we have not yet reviewed the most recent revisions and are unable to state at this time what bearing they may have on this contention, if any. With regard to the Applicants' Emergency Plan, we have some questions regarding certain aspects of it and will be asking some interrogatories regarding it in the near future when we have completed our review and analysis. Thus, we are not at this time in a position to fully respond to this question and its sub-parts; we will update our response later.

- a. See Answer to 11-2 above.

11-2 (continued):

b. See answer to 11-2.

c. See answer to 11-2.

12-2. Those specified in NRC final regulations (NUREG-0654 and related documents and other regulations which are in the process of being developed at the present time). We will be supplementing this answer later. See also answer to 11-2.

13-2. See answer to 12-2.

14-2. See answer to 12-2.

15-2. See answer to 12-2.

16-2. See answer to 12-2.

17-2. See answer to 12-2.

18-2. See answer to 12-2.

19-2. See answer to 12-2.

20-2. 10 CFR Appendix E to Part 50, NUREG-0654 and related documents and other regulations which are in the process of being developed at the present time.

21-2. See answer to 12-2.

22-2. See answer to 12-2.

23-2. See answer to 12-2.

24-2. See answer to 12-2.

25-2. See answer to 20-2.

26-2. See answer to 12-2.

27-2. See answer to 12-2.

28-2. See answer to 12-2.

29-2. See answer to 12-2.

30-2. See answer to 12-2.

- 31-2. See answer to 12-2.
- 32-2. See answer to 20-2.
- 33-2. See answer to 12-2.
- 34-2. See answer to 12-2.
- 35-2. See answer to 20-2.
- 36-2. See answer to 12-2.
- 37-2. See answer to 12-2.
- 38-2. See answer to 12-2.
- 39-2. See answer to 20-2.
- 40-2. See answer to 12-2.
- 41-2. See answer to 12-2.
- 42-2. See answer to 20-2.
- 43-2. See answer to 12-2.
- 44-2. See answer to 12-2.
- 45-2. See answer to 12-2.
- 46-2. See answer to 12-2.
- 47-2. See answer to 20-2.
- 48-2. See answer to 12-2.
- 49-2. See answer to 12-2 and 20-2.
- 50-2. See answer to 20-2.
- 51-2. See answer to 12-2.
- 52-2. See answer to 12-2.
- 53-2. See answer to 12-2.
- 54-2. See answer to 12-2.

- 55-2. See answer to 12-2.
- 56-2. See answer to 20-2.
- 57-2. See answer to 12-2.
- 58-2. See answer to 12-2.
- 59-2. Yes.
- 60-2. For some areas of the Dallas/Ft. Worth metroplex, yes; perhaps for some others.
- 61-2. Yes. See answer to 12-2.
- 62-2. See answer to 20-2.
- 63-2. See answer to 12-2.
- 64-2. See answer to 12-2.
- 65-2. See answer to 12-2.
- 66-2. See answer to 12-2.
- 67-2. See answer to 12-2.
- 68-2. See answer to 12-2.
- 69-2. See answer to 12-2.
- 70-2. See answer to 12-2.
- 71-2. See answer to 12-2.
- 72-2. See answer to 12-2.
- 73-2. See answer to 12-2.
- 74-2. See answer to 12-2.
- 75-2. See answer to 20-2.
- 76-2. See answer to 12-2. We have not yet analyzed the precise areas.
- 77-2. See answer to 12-2 and 60-2. We have not yet analyzed the precise areas.
- 78-2. See answer to 76-2 and 77-2. We have not yet analyzed the precise differences.

- 79-2. See answer to 20-2.
- 80-2. Not necessarily. See answers to 60-2 and 77-2.
- 81-2. N.A.
- 82-2. See answer to 12-2.
- 83-2. See answer to 12-2.
- 84-2. See answer to 12-2.
- 85-2. See answer to 12-2.
- 86-2. See answer to 20-2.
- 87-2. See answer to 12-2.
- 88-2. See answer to 20-2.
- 89-2. See answer to 12-2.
- 90-2. N.A. at this time.
- 91-2. See answer to 20-2.
- 92-2. We have not thoroughly analyzed how the Applicants have fallen short in their revised Emergency Plans; see answer to 12-2.
- 93-2. See answer to 20-2.

NOTE regarding Interrogatories on Emergency Planning:

At this point in time, we have not analyzed how the Applicants revised Emergency Plan may affect this contention; further, we are now in the process of analyzing NUREG-0654, Rev. 1 and related documents. We are not trying to evade answering these interrogatories; however, we see no point in answering them based on outdated and possibly now erroneous information. We fully intend to update our responses to these 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.

94-2. The wording of this contention is very straightforward as stated above; we mean very simply that Applicants have not met the requirements of the referenced regulations and laws. Without meeting those requirements, an operating license cannot be issued.

95-2. In addition to that set forth in CASE's 5/7/79 Contentions (pages 43 through 47, Old Contention 16) and CASE's 4/10/80 Contentions (pages 45 and 46, Old Contention 16), there have now been further rate hearings for the Texas Utilities companies. According to these companies' sworn testimony, the three operating companies of Texas Utilities are in constant jeopardy of having their bond ratings lowered and starting down the road to financial disaster. Also, CASE is currently looking into the financial integrity of the other Applicants in the hearings; we will supplement our answer as pertinent information is developed.

96-2. No.

97-2. No.

98-2. None.

99-2. None.

100-2. Yes. Unknown at this time. We will supplement our answer as appropriate.

101-2. Probably. Unknown at this time.

102-2. Probably. Unknown at this time.

103-2. Unknown at this time.

104-2. Yes, to the extent indicated in answer 95-2.

105-2. Not applicable (N.A.).

106-2. See answer to 95-2. We expect to have more information in response to interrogatories and requests for inspection of documents.

107-2. None that we have seen so far would so indicate; however, we haven't seen all of them yet.

108-2. N.A.

109-2. See answer to 106-2.

- 110-2. Since there is disagreement as to the start-up time of Comanche Peak, we cannot supply this information at this time. We will accept the Applicants' estimates as the basis of temporary estimates in the meantime.
- 111-2. Unknown at this time, pending receipt of information we obtain from future interrogatories, etc. See answer to 106-2.
- 112-2. N.A. at this time.
- 113-2. N.A. at this time.
- 114-2. N.A. at this time.
- 115-2. N.A. at this time.
- 116-2. See answer to 106-2. Of course, the bottom-line basis is 10 CFR 50.57(a)(4), the Atomic Energy Act as amended, and 10 CFR 50, Appendix C.
- 117-2. That required by the Atomic Energy Act and 10 CFR 50, Appendix C, which accurately demonstrates the Applicants' true financial integrity.
- 118-2. See answer to 117-2.
- 119-2. We have not yet reviewed the latest information supplied thoroughly, so we are at this time unable to accurately answer this. We will supplement our response to this interrogatory.
- 120-2. N.A. at this time.
- 121-2. Yes.
- 122-2. See answer to 95-2, and 119-2.
- 123-2. Unknown; we have not made this analysis at this time.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature below, I hereby certify that a true and correct copy of CASE'S ANSWERS TO APPLICANTS' SECOND SET OF INTERROGATORIES AND REQUESTS TO PRODUCE were sent to the following names, by First Class Mail, this 6th day of February, 1981:

* with Certificate of Mailing receipt

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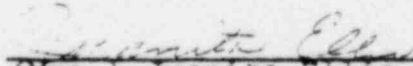
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