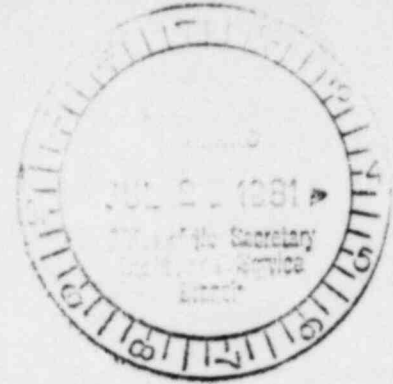


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD



Before Administrative Judges:
Marshall E. Miller, Chairman
Dr. Forrest J. Remick
Dr. Richard F. Cole

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

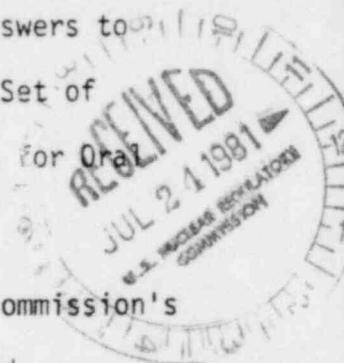
(Application for Operating License)

July 22, 1981

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ORDER

CFUR on July 17, 1981 filed and served by mail^{1/} a so-called Motion to Clarify Contention 3. The stated purpose of this filing was "to summarize the background which led to the current wording and scope of Contention 3 and to rectify any misimpression which may be left by the Applicants' Answers to CFUR's Motions (1) To Compel Responsive Answers to CFUR's Fourth Set of Interrogatories and (2) To Find Applicants in Default and Request for Oral Argument."



This "Motion" is by its own terms clearly contrary to the Commission's Rules of Practice, and it will be summarily stricken and dismissed.

CFUR's filing, although couched in the form of a motion, is actually an attempt to file an argumentative reply to the Applicants' answers to CFUR's motions dated June 18, 1981. 10 CFR §2.730 governs motion practice,

^{1/}This filing was received by the Board on July 21, 1981.

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and it provides that after a motion is filed, "a party may file an answer" in opposition to the motion. The rule further expressly provides that the "moving party shall have no right to reply, except as permitted by the presiding officer..." (Paragraph (c)).

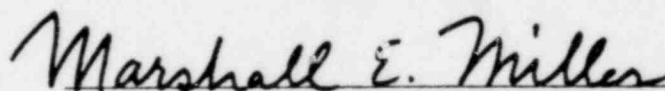
This attempted reply by the moving party (CFUR) was not permitted by the presiding officer or anyone else. No request for leave to file such a reply, accompanied by a showing of good cause, was ever filed with the Board. No attempt was ever made to comply with 10 CFR §2.730.

This proceeding is already suffering from a flood of motions, answers, objections to interrogatories and the like which constitute an imposition upon the Board. The subject of excessive and unnecessary filings with the Board and proposed remedies therefor will be discussed in another Order to be released shortly. This motion is a clear example of an attempted evasion of the Rules of Practice, and it will not be permitted.

ORDER

The Motion to Clarify Contention 3 filed by CFUR on July 17, 1981, is summarily stricken and dismissed.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 22nd day of July, 1981.