



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



SERVED JUL 29 1981

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 28, 1981

ORDER

The Applicants filed motions on June 12, 1981 to compel CFUR (1) to provide responsive answers to certain interrogatories contained in the third set of interrogatories filed April 23, 1981, and (2) to supplement certain responses when the requested information is developed or obtained. CFUR filed its response in opposition to these motions on June 29, 1981.

The second motion will be considered first, because the relief sought by the Applicants has already been provided by our Order entered July 23, 1981. We there reaffirmed a previously-adopted rule requiring that all interrogatories be treated as continuing in nature, and placing a duty on the party to whom they are addressed to supplement the responses as necessary to keep them currently accurate (pp. 9-10, paragraph 2). This directive will apply to interrogatories seeking

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CFUR's positions on Contentions 3 and 9.<sup>1/</sup> CFUR is further directed to expedite such supplemental responses as much as possible.

The Applicants' first motion complains that CFUR's answers to Interrogatories 26-3, 28-3, 30-3, 32-3, 34-3 and 36-3 are inadequate by failing to describe "any of the consequences" which may result from computer codes not having TMI-2 "parameters" factored in. The alleged consequences relate to the ability of the computer codes used in CPSES/FSAR to "realistically predict plant behavior" (Contention 3). The codes are those developed and used by the Applicants, not CFUR. It is not the latter's responsibility to do the Applicants' work or to develop their proof on contested issues. The Applicants' motion to compel further responses to these interrogatories is denied.

Interrogatories 45-3 through 83-3 deal with Contention 4. CFUR has wholly failed to respond, and has shown no acceptable justification for such failure. The motion is granted as to these interrogatories, and CFUR is directed to file responsive answers forthwith.

ORDER

For the foregoing reasons, it is this 28th day of July, 1981

ORDERED

(1) That the Applicants' motion to compel further responses to Interrogatories 26-3, 28-3, 30-3, 32-3, 34-3 and 36-3 is denied.

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<sup>1/</sup>Interrogatories 6-3, 11-3, 12-3, 15-3, 19-3, 20-3 through 23-3, 27-3, 29-3, 31-3, 33-3, 35-3, 37-3, 39-3, 96-3, 104-3, and 115-3.

(2) That Applicants' motion is granted as to Interrogatories 45-3 through 83-3, and CFUR is directed to file responsive answers to such interrogatories forthwith.

(3) Supplemental answers shall be filed by CFUR to interrogatories dealing with Contentions 3 and 9 as soon as the requested information is developed or obtained on an expedited basis.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

*Marshall E. Miller*

Marshall E. Miller, Chairman  
ADMINISTRATIVE JUDGE