



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 AUG 4 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)

August 3, 1981

ORDER

CASE filed 3 motions in this proceeding dated July 28, 1981, which were received by the Board on August 3, 1981. These motions are entitled as follows:

CASE's Motion for Reconsideration Regarding Prehearing Conference;

CASE's Answer to, and Motion Regarding, NRC Staff's Motion to Modify Its March 4, 1981 Motion to Compel Against CASE; and

Motion for Board Clarification of Wording of Contention 5.

The Board has issued a series of Orders commencing on July 20, 1981.<sup>1/</sup>

These Orders cover many, but not all, of the numerous questions, statements and arguments posed by CASE's 3 motions described above. These Orders also identify some, but not all, of the blizzard of motions and other papers which we regard as "excessive and unnecessary filings" which constitute

<sup>1/</sup> Orders entered July 20, 1981; July 22, 1981; July 23, 1981; July 24, 1981; July 28, 1981; 2 Orders dated July 29, 1981; and 2 Orders dated July 30, 1981.

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an imposition on the Board. In fact, these 3 CASL motions themselves probably fall into that category. They indicate that the movant knew from the telegram of June 26 and the Orders of July 20 and July 22, 1981, that additional pertinent orders and schedules would "be released shortly."<sup>2/</sup> CASE quoted the following portion of our Order entered July 22, 1981:

"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 therefore will be discussed in another Order to be released shortly."<sup>3/</sup>

In the face of this statement, CASE nevertheless on July 28, 1981, filed 3 more motions, without even waiting to see whether our additional orders addressed many of its concerns. The remedy we promised for these unnecessary and excessive filings is contained in our Order entered July 30, 1981, wherein we struck all remaining motions, answers and the like pending between CFUR and the Applicants, and directed the parties to confer directly on their disputes. We now add CASE to that directive, under the terms and conditions set forth in that Order.<sup>4/</sup>

#### ORDER

For all the foregoing reasons and on consideration of the entire record in this matter, it is this 3rd day of August, 1981

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<sup>2/</sup> CASE's Motion for Reconsideration Regarding Prehearing Conference, pp. 2-3.

<sup>3/</sup> Id., at 3.

<sup>4/</sup> Order entered July 30, 1981, pp. 5-7.

ORDERED

That the 3 CASE motions described above, dated July 28, 1981, are hereby stricken, and that CASE and the other parties with whom it has any pending disputes are directed to confer as soon as reasonably possible, under the guidelines set forth in paragraphs 1-6 of our Order entered July 30, 1981 (which is incorporated herein by reference), and to file written reports of the results thereof promptly.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

*Marshall E. Miller*  
Marshall E. Miller, Chairman  
ADMINISTRATIVE JUDGE