

DOCKETED  
11/18/81 NRCUNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'81 NOV 19 P4:10

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 (CPSIS)OFFICE OF SECRETARY  
PLANNING & SERVICE  
BRANCH  
Docket Nos. 50-445  
and 50-446CASE'S REQUEST TO APPLICANTS  
FOR ADMISSIONS

Pursuant to 10 CFR 2.742, CASE requests admission by the Applicants of the truth of the following matters of fact relating to the attached Motion dated today.

Regarding CASE Attachments to its Answer to NRC Staff's Motion for Summary Disposition of Contention 25 (Financial Qualifications):

1. CASE Attachment B is a true and correct copy of the 6/22/79 Supplemental Response of Applicant to Requests for Information Submitted by Parties, DP&L Response to CASE First Request for Information Question No. 18 (Additional Response), PUC Docket No. 2572 (regarding Decommissioning).<sup>1</sup>
2. CASE Attachment C is a true and correct copy of the 5/80 Direct Testimony and Exhibits 1 through 4 and Affidavit of David E. Kelch, Vice President and Treasurer of Texas Electric Service Company, PUC Docket No. 3250.
3. CASE Attachment D is a true and correct copy of the 11/25/80 Transcript of Cross-Examination Testimony of Joe D. Karney, Treasurer and Assistant Secretary of Dallas Power and Light Co., in the DP&L rate hearings before the City of Dallas, pages 256, 284-290, 292-293, 306-310, 324-330.
4. CASE Attachment E is a true and correct copy of the 9/80 Direct Testimony of Max H. Tanner, Jr., Vice President of Dallas Power and Light Co., and the 9/80 Direct Testimony of Joe D. Karney, Treasurer and Assistant Secretary of Dallas Power and Light Co., in the Dallas Power and Light rate hearings, Docket 3460.

<sup>1</sup> As noted in the Index to CASE's Answer to NRC Staff's Motion for Summary Disposition of Contention 25 (Financial Qualifications), we have marked and underlined relevant portions of the Attachments; it is understood that Applicants' affirmative answers will refer only to the Attachments' content, minus the marks and underlines.

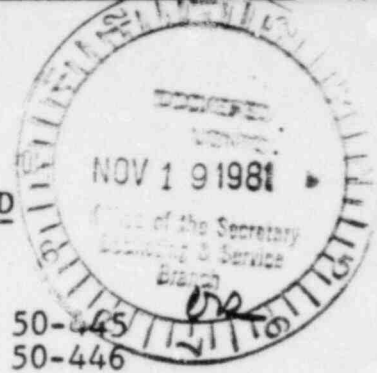
5. CASE Attachment F is a true and correct copy of the 12/8/80 Cross-Examination testimony of Max H. Tanner, Jr., Vice President of Dallas Power and Light Co., in the DP&L Rate Hearings, PUC Docket No. 3460, transcript pages 34 thru 44, 68 thru 72, and 129 thru 132.
6. CASE Attachment G is a true and correct copy of the Direct Testimony of Gary L. Price, Treasurer and Assistant Secretary of Texas Power and Light Co., in the TP&L rate hearings, Docket No. 3780, 3/81.  
pages 1 thru 3,
7. CASE Attachment H is a true and correct copy of the 6/16/81 Memorandum from George Schrader, Dallas City Manager, to the Mayor and Members of the Dallas City Council, regarding the sale of Lake Fork Reservoir by Texas Utilities to the City of Dallas.
8. The information contained in CASE Attachment H, pages 1 thru 3 (see item 7 above) is a true and correct representation of the agreement between Texas Utilities and the City of Dallas regarding the sale of Texas Utilities' interest in Lake Fork Reservoir.
9. CASE Attachment I is a true and correct copy of the 11/24/80 Cross-Examination Testimony of Max H. Tanner, Jr., Vice President of Dallas Power and Light Co., in the DP&L Rate Hearings, (Docket 3460), Before the City of Dallas, transcript pages 85 thru 89.
10. CASE Attachment J is a true and correct copy of the 12/9/80 Cross-Examination Testimony of Charles E. Olson, consultant for Dallas Power and Light Co. in PUC Docket No. 3460, DP&L rate hearings, tr. page 307.
11. CASE Attachment K is a true and correct copy of the 7/10/79 Cross-Examination Testimony of Erle A. Nye, Vice-President of Dallas Power and Light, in DP&L rate hearings, PUC Docket No. 2572, transcript pages 364 and 365, 377, 392, and 397 and 398.
12. CASE Attachment L is a true and correct copy of the 12/9/80 Cross-Examination Testimony of Charles E. Olson, consultant for Dallas Power and Light Co., in PUC Docket No. 3460, transcript pages 270 and 271.
13. CASE Attachment M is a true and correct copy of the 7/7/79 Cross-Examination Testimony of Max H. Tanner, Jr., Vice President of Dallas Power and Light Co., in Dallas Power & Light rate hearings, PUC Docket No. 2572, transcript pages 91 thru 93, 138 and 139.

Respectfully submitted,

*Juanita Ellis*  
(Mrs.) Juanita Ellis, President  
CASE (Citizens Association for Sound Energy)  
1426 S. Polk, Dallas, TX 75224

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 (CFSES)

Docket Nos. 50-445  
and 50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of  
CASE'S MOTION TO ALLOW TESTIMONY TO BE ADMITTED ON AFFIDAVIT ONLY;  
CASE'S MOTION FOR ISSUANCE OF SUBPOENAS; and  
CASE'S REQUEST TO APPLICANTS FOR ADMISSIONS  
have been sent to the names listed below this 18th day of November,  
1981, by First Class mail locally and by Express Mail where indicated by \*.

- \* Administrative Judge Marshall E. Miller  
U. S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Washington, D. C. 20555
- \* Dr. Kenneth A. McCollom  
Dean, Division of Engineering,  
Architecture and Technology  
Oklahoma State University  
Stillwater, Oklahoma 74074
- \* Dr. Richard Cole, Member  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555
- \* Nicholas S. Reynolds, Esq.  
Debevoise & Liberman  
1200 - 17th St., N. W.  
Washington, D. C. 20036
- \* Marjorie Ulman Rothschild, Esq.  
Office of Executive Legal Director  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555
- David J. Preister, Esq.  
Assistant Attorney General  
Environmental Protection Division  
P. O. Box 12548, Capitol Station  
Austin, TX 78711
- G. Marshall Gilmore, Esq.  
1060 W. Pipeline Road  
Hurst, Texas 76053
- Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555
- Atomic Safety and Licensing  
Appeal Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555
- \* Docketing and Service Section  
Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

cc: Homer Schmidt - Texas Utilities

*Juanita Ellis*  
Mrs. Juanita Ellis, President  
CASE (Citizens Association for  
Sound Energy)