

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

9/11/82  
DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'82 SEP 14 11:30

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  
(CPSES)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH  
Docket Nos. 50-445  
and 50-446

CASE'S SUPPLEMENT TO  
CASE'S 8/26/82 MOTION TO  
ADD NEW CONTENTION 26

On 8/26/82, CASE filed its Motion to Add New Contention 26. In its Motion, CASE erroneously referenced 10 CFR 2.730, since it was not clear to us from a reading of the regulations in 10 CFR exactly which portion specifically applied to the addition of a new contention. At some time in the past, we believe that someone did file a motion to add a new contention, but we were unable to locate that motion.

Today, CASE received the NRC Staff's Answer to CASE's Motion; we had previously received Applicants' Answer to CASE's Motion on September 8. It appears from both Answers that the proper section to have filed our motion under was 10 CFR 2.714. This section was not easily recognizable to us since it is under the heading of "Intervention" and on the surface appears to deal with a party's filing of its initial or amended motion to intervene.

CASE contends that the requirements of 2.714 have obviously been met already as indicated in our original 8/26/82 Motion to Add New Contention 26:

2.714(a)(1)(i) -- As indicated in our 8/26/82 Motion, we were not aware until we received Applicants' answers to our Twelfth Set of Interrogatories to Applicants and Requests to Produce that Applicants had none of the documents as specified on pages 2 and 3 of our 8/26/82 Motion.

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2.714(a)(1)(i) -- (continued):

We were therefore unaware of the information until now which necessitated our filing this contention. The filing of the contention is therefore both timely and appropriate.

2.714(a)(1)(ii) -- There is no other forum in which CASE can raise this particular contention or issue. Therefore, there is no other means whereby CASE's interest will be protected.

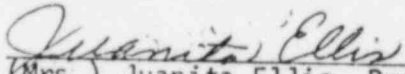
2.714(a)(1)(iii) -- CASE submits that without its participation in these proceedings in bringing this contention to the Board's attention and presenting it for litigation, a complete and sound record cannot be developed in these proceedings, and a decision will be made based on incomplete information vital to a proper decision.

2.714(a)(1)(iv) -- There is no other party which can represent CASE's interest on this contention. CASE is the only remaining Intervenor. The NRC Staff has taken a strong advocacy position in favor of the Applicants' receiving their operating license.

2.714(a)(1)(v) -- The Board's acceptance of this contention will not broaden the issues or delay the proceeding. As stated in CASE's 8/26/82 Motion, if Applicants do not possess or have access to the documents requested in CASE's Twelfth Set to Applicants, we will be prepared to go forward on this contention at the September hearings; and the evidence will be contained in the information which is developed during the testimony which will be forthcoming in the September hearings.

For the preceding reasons, CASE hereby moves that the Board grant CASE leave to file this Supplement to its 8/26/82 Motion to Add New Contention 26, and grant CASE's Motion to Add New Contention 26.

Respectfully submitted,

  
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(Mrs.) Juanita Ellis, President  
CASE (Citizens Association for Sound Energy)  
1426 S. Polk  
Dallas, Texas 75224  
214/946-9446

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Y  
Y  
Y  
Y  
Y  
Y

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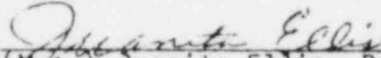
CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of \_\_\_\_\_  
CASE'S SUPPLEMENT TO CASE'S 8/26/82 MOTION TO ADD NEW CONTENTION 26

have been sent to the names listed below this 11th day of September, 1982, by:  
~~Express Mail~~ where indicated by \* and First Class Mail elsewhere, 9/11/82

Hand-delivery at hearings 9/13/82

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

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