

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
NRC

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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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

(Application for  
Operating Licenses)

REQUEST FOR CLARIFICATION AND, IF NECESSARY,  
FOR LEAVE TO FILE ANSWER TO CASE PLEADING REGARDING  
EXHIBITS

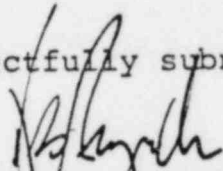
On October 18, 1982, CASE filed its "Response to Board's Directive Regarding CASE Exhibits." CASE had been given leave at the hearings conducted September 13-17, 1982 to file this information in order to coordinate and perhaps reduce the lists of proposed CASE exhibits. Tr. 5765, 5773. The Board did not request answers to this filing from the other parties. Tr. 5766. In its Response, CASE indicated it intended to seek a stipulation with Applicants regarding the bulk of its proposed exhibits. Response at 24. CASE has not yet contacted Applicants in this regard.

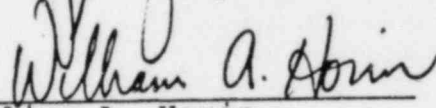
On November 4, 1982, the NRC Staff filed an answer to CASE's Response, treating CASE's statement that they "move that the Board accept into evidence the requested documents" (Response at 47) as a formal motion although nowhere else did CASE identify its pleading as a motion. Applicants had not treated CASE's Response

as a motion because of CASE's reference to a possible stipulation with Applicants and because the only reference to a motion, buried deep within CASE's Response, seemed inconsistent with the notion of a possible stipulation. The Board has noted CASE's propensity in the past to combine responses and motions, and has admonished CASE not to hide motions or combine them with responsive pleadings, such as was done here. Tr. 5781.

In these circumstances, Applicants request clarification from the Board as to whether it intends to treat CASE's Response as a motion. If so, then Applicants request leave to file by November 18, 1982, an answer to CASE's Response so that the views of all parties are before the Board.

Respectfully submitted,

  
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Nicholas S. Reynolds

  
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William A. Horin

DEBEVOISE & LIBERMAN  
1200 Seventeenth Street, N.W.  
Washington, D.C. 20036  
(202) 857-9817

Counsel for Applicants

November 9, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
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COMPANY, <u>et al.</u>	)	50-446
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(Comanche Peak Steam Electric	)	(Application for
Station, Units 1 and 2)	)	Operating Licenses)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Request for Clarification and, if Necessary, For Leave to File Answer to CASE Pleading Regarding Exhibits," in the above-captioned matter were served upon the following persons by express delivery (\*) or by deposit in the United States mail, first class postage prepaid this 9th day of November, 1982:

\* Marshall E. Miller, Esq.  
Chairman, Atomic Safety and  
Licensing Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Chairman, Atomic Safety and  
Licensing Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\* Dr. Kenneth A. McCollom  
Dean, Division of Engineering  
Architecture and Technology  
Oklahoma State University  
Stillwater, Oklahoma 74074

\* Lucinda Minton, Esq.  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\* Dr. Richard Cole, Member  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\* Marjorie Ulman Rothschild, Esq.  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Chairman, Atomic Safety and  
Licensing Appeal Panel  
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, Texas 78711

Mr. Scott W. Stucky  
Docketing & Service Branch  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\* Juanita Ellis  
President, CASE  
1426 South Polk Street  
Dallas, Texas 75224

*William A. Horin*

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William A. Horin

cc: Homer C. Schmidt, Esq.  
Spencer C. Relyea, Esq.