

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges  
Marshall E. Miller, Chairman  
Dr. Kenneth A. McCollom  
Dr. Walter H. Jordan

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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-OL  
50-446-OL

(Application for  
Operating License)

March 9, 1983

MEMORANDUM AND ORDER  
(Memorializing Conference Call)

On March 8, 1983, the Board held a conference call for the purpose of determining what matters should be covered during the scheduled week of resumed hearings beginning April 4, 1983. All Board members and representatives of all parties participated in the call.

The Board determined that, following completion of the examination of Board witnesses (See Notice of Resumed Evidentiary Hearing, entered March 4, 1983), the hearing would continue with the Staff's presentation of its rebuttal testimony on the "Doyle/Walsh allegations." This is not a new issue and limited discovery is therefore reasonable. The Staff and the Applicants have agreed to supply CASE promptly with documents

cited in these Inspection Reports and other necessary data through informal discovery.

Insofar as questions have arisen concerning the nature, scope, and competence of NRC investigations and the validity of their conclusions, these matters will be addressed through the Board witnesses. The parties may also question these witnesses. In addition, the parties may present their own witnesses on these matters if a showing is made that the witnesses will present material testimony which is cognizable in this proceeding. At the request of the Applicants' counsel, Applicants' counsel may call proposed Board witnesses who have not testified before to explain the nature of the proceeding to them, but shall not discuss the merits or the issues with them. David Chapman, a witness, will be excepted from that portion of the Order prohibiting consultation with counsel, for the sole purpose of assisting Brown and Root's attorneys in the preparation of a reply brief to the Department of Labor relative to Mr. Atchison's claims against Brown and Root before the DOL.

The hearing will also address remaining emergency planning matters. The Board expects that FEMA's Interim Finding on Comanche Peak Steam Electric Station Offsite Emergency Preparedness, which was provided to the parties and the Board after the most recent hearing session, will be introduced in evidence. The Board expects that this will be done through a knowledgeable witness (or witnesses) who would be prepared to answer questions which the Board or parties might have concerning the

Finding, particularly if that Finding contains material relevant to the contention and beyond the scope of previous testimony.

The Staff has indicated that SSER-3 will be completed by March 11, 1983 and will be served on the Board and the parties by express mail. Emergency planning issues discussed in that SSER will also be covered by the April hearing.

In addition, the Board chairman received a letter from George R. Crump, County Judge for the County of Somervell, concerning the adequacy of the siren warning system. This letter will be served on all the parties and made a part of the record of this proceeding. It raises questions which the parties should address in the upcoming hearing.

The Board also indicated that it wishes to tour the plant while it is in Fort Worth for the hearings, possibly on Friday, April 8, 1983. This view of the plant will not be evidentiary. CASE and other parties may have a representative on the tour.

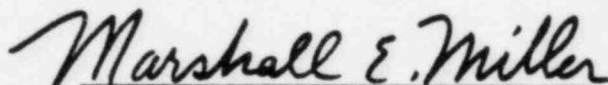
A number of Board Notifications and other reports have been filed in the Comanche Peak proceeding including the following: Board Notifications 82-75, 82-90, 82-90A, 82-105, 82-116, 82-123, 82-124, 82-125, 82-125A, 83-02, 83-11, 83-13, 83-14; Inspection Report 82-01-04, and I&E Information Notice No. 82-34, Rev. 1. Information From Construction Appraised Team (CAT) Inspection of Comanche Peak (BN 83-29), was also filed March 2, 1983. The Staff will provide its assessment of the relevance and significance to this proceeding of the matters raised by these materials by March 18, 1983. Other parties are

encouraged to provide their positions on the question of the relevance and significance of these matters by the same date.

The Board is not requiring written prefiled testimony for the April hearing. However, identities of proposed witnesses and statements summarizing their proposed testimony must be supplied and in the hands of the Board on or before March 30, 1983.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Marshall E. Miller, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 9th March, 1983.