

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING
COMPANY, et al.

(Comanche Peak Steam Electric Station
Station, Units 1 and 2)

DOCKETED
USNRC
AGO 15 P12:15
OFFICE OF
DOCKET
Docket Nos. 50-445-1
and 50-446-1

CASE'S ANSWER TO APPLICANTS' MOTION FOR SUMMARY DISPOSITION
REGARDING THE EFFECTS OF GAPS ON
STRUCTURAL BEHAVIOR UNDER SEISMIC LOADING CONDITIONS

Pursuant to 10 CFR 2.749, CASE (Citizens Association for Sound Energy), Intervenor herein, files this, its Answer to Applicants' 5/18/84 Motion for Summary Disposition Regarding the Effects of Gaps on Structural Behavior Under Seismic Loading Conditions. /1/.

CASE's Answer is as stated in the attached CASE's Answer to Applicants' Statement of Material Facts As to Which There Is No Genuine Issue of Fact, which has been prepared in the form of an Affidavit and which was prepared under the supervision of CASE witness Mark Walsh.

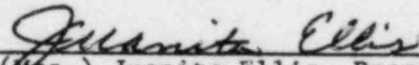
Since the issues discussed are highly technical and complex, CASE could do little more than repeat the statements made by Mr. Walsh, which would serve little purpose and unduly burden the record. This is true with the following exceptions. We do wish to specifically call the Board's

/1/ See discussion of background and procedures to be followed regarding the series of Motions for Summary Disposition on design and design quality assurance (QA) filed by Applicants, contained in the Board's 6/29/84 Memorandum and Order (Written-Filing Decision, #1: Some AWS/ASME Issues, at pages 1-3); see also transcript of 7/26/84 on-the-record telephone conference call.

attention to the discussion under answer 1 (page 2, second paragraph, continuing on page 3), answer 1 (page 7, first paragraph, continuing on page 8), and answer 1 (page 12, last paragraph, continue on page 13). It appears to CASE that Applicants have made statements which are very misleading and either constitute or border on material false statements. We ask that the Board consider Applicants' statements in that light.

As stated by Mr. Walsh, Applicants' Motion for Summary Disposition does not adequately address the actual issues which have been raised. However, even in the limited context of Applicants' Motion, it is clear from reviewing the answers by Mr. Walsh that there are many genuine issues of fact which are still in controversy. We believe the Board should decide in CASE's favor regarding those issues (as well as regarding the many issues which have not yet been adequately addressed by Applicants).

Respectfully submitted,



(Mrs.) Juanita Ellis, President
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