

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

'84 AGO 24 P4:44

TEXAS UTILITIES ELECTRIC
COMPANY, et al.

OFFICE)
DOCKETING)
BRANCH)

Docket Nos. 50-445-2

50-446-2

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

MOTION TO STRIKE TESTIMONY OF APPLICANT

CASE moves to strike the following portions of Applicant's
testimony as impermissible redirect of witnesses previously
called:

Brandt

TR. 45,291 - line 15 to TR. 45,298 - line 23 (Redirect
on QA Audit Report and Mike Foote Incident)

TR. 45,325 - line 18 to TR. 45,328 - line 21 (Redirect
on T-shirt and Pitts)

Purdy

TR. 41,278 - line 13 to TR. 41,285 - line 9 (Redirect
on QA/QC program on site)

TR. 41,302 - line 8 to TR. 41,315 - line 24 (Redirect
on Barnes allegations)

TR. 41,361 - line 8 to TR. 41,368 - line 17 (Redirect
on T-shirt incident)

TR. 41,378 - line 6 to TR. 41,382 - line 25 (Redirect
on Bob Bronson incident)

TR. 41,386 - line 2 to TR. 41,389 - line 23 (Redirect
on 1979 survey)

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PDR

DS03

Vega

TR. 36,665 - line 12 to TR. 36,677 - line 18 (Redirect on his policy when he took over and his policy on termination)

TR. 36,686 - line 20 to TR. 36,712 - line 8 (Redirect on QAI files)

TR. 36,730 - line 7 to TR. 36,738 - line 10 (Redirect on 1979 survey)

CASE moves to strike the following testimony as hearsay:

Vega

TR. 36,683 - line 11 to TR. 36,684 - line 17

TR. 36,722 - line 16 to TR. 36,724 - line 7

This motion does not represent a definitive list of Applicant testimony that should be stricken for these or other reasons.

Discussion

By procedures established at the June 14, 1984 Pre-hearing, Conference and not altered in any material way since, the Board indicated that, absent express agreement by the parties, witnesses called during the depositions at Glen Rose would be crossed and redirect examination would be conducted at that time. As to each of the identified portions of the Applicant's pre-filed testimony the witness has previously been crossed as to this matter and in many instances also had some redirect. The deposition having been concluded, Applicant has no continuing right to bring the same witness back and pursue matters raised in

that proceeding absent a showing of "surprise." No such showing has been made and is a pre-requisite to filing any such testimony. Thus the subject testimony should be stricken.

The two instances of hearsay are merely glaring examples of a rather cavalier attitude toward hearsay reflected in Applicant's pre-filed testimony. Unless the matters are being offered for their truth they are irrelevant. Alternatively they do not constitute "best evidence" since the persons about whom the testimony is written could be called by Applicant to testify -- i.e. Mr. Welch and Mr. Spence.

For the reasons stated, this motion should be granted.

Respectfully submitted,

Anthony J. Roisman

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August 24, 1984

August 24, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
TEXAS UTILITIES GENERATING)
COMPANY, et al.) Docket Nos. 50-445-2
) and 50-446-2
(Comanche Peak Steam Electric)
Station, Units 1 and 2))

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of CASE's Motion To Strike Testimony Of Applicant have been sent to the names listed below this 24th day of August, 1984, by: Express mail where indicated by *; Hand-delivery where indicated by **; and First Class Mail unless otherwise indicated.

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