RELATED CORRESPONDENCE

## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## DOCKETE BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

"84 AGD 24 P4:44

TEXAS UTILITIES ELECTRIC COMPANY, et al.

Docket Nos. 50-445-2 OOCKETING & SERV

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)

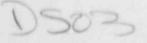
TR. 41,302 - line 8 to TR. 41,315 - line 24 (Redirect on Barnes allegations)

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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### 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 prefiled 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 merley 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 2 Roisman to

Trial Lawyers for Public Justice 2000 P Street, N.W., Suite 611 Washington, D.C. 20036

(202) 463-8600

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		50-445-2
(Comanche Peak Steam Electric Station, Units 1 and 2)	)	and	50-446-2

## 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.

- \*\* Administrative Judge Peter B. Bloch U.S. Nuclear Regulatory Commission Atomic Safety and Licensing Board Washington, D.C. 20555
- \*\* Herbert Grossman, Alternate 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 Dr. Walter H. Jordan 881 W. Outer Drive Oak Ridge, Tennessee 37830

Ms. Ellen Ginsberg, Law Clerk Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

- \*\* Nicholas S. Reynolds, Esquire Bishop, Liberman, Cook, Purcell & Reynolds 1200 17th Street, N.W. Washington, D.C. 20036
- \*\* Stuart Treby, Esquire
  Geary S. Mizuno, Esquire
  Office of Executive Legal Director
  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

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

Renea Hicks, Esquire Assistant Attorney General Environmental Protection Division Supreme Court Building Austin, Texas 78711

John Collins Regional Administrator, Region IV U.S. Nuclear Regulatory Commission 611 Ryan Plaza Drive, Suite 1000 Arlington, Texas 76011

\*\* Docketing and Service Section (3 copies)
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Lanny A. Sinkin 114 W. 7th, Suite 220 Austin, Texas 78701 Dr. David H. Boltz 2012 S. Polk Dallas, Texas 75224

Michael D. Spence, President Texas Utilities Generating Company Skyway Tower 400 North Olive Street, L.B. 81 Dallas, Texas 75201

Anthony 2 ROISMAN CANTHONY 2 ROISMAN CANTHONY 2 ROISMAN Trial Lawyers for Public Justice 2000 P Street, N.W., Suite 611 Washington, D.C. 20036 (202) 463-8600