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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
) Docket Nos. 50-445^{OL} and
TEXAS UTILITIES ELECTRIC)
COMPANY, et al.) 50-446^{OL}
)
(Comanche Peak Steam Electric) (Application for
Station, Units 1 and 2)) Operating Licenses)
)

APPLICANTS' REPLY TO CASE'S ANSWER TO
APPLICANTS' MOTION FOR SUMMARY DISPOSITION
REGARDING SECTION PROPERTY VALUES

On May 18, 1984, Texas Utilities Electric Company, et al. ("Applicants") filed a Motion for Summary Disposition of CASE Allegations Regarding Section Property Values ("Applicants' Motion"). On August 13, 1984, CASE filed its Answer to Applicants' Motion ("CASE's Answer"). In an August 22, 1984 conference call the Board authorized Applicants to submit replies to CASE's answers to Applicants' motions for summary disposition (Tr. 12995). Accordingly, Applicants hereby submit their reply to CASE's Answer.

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CASE's Answer fails to demonstrate the existence of a genuine issue regarding any of the material facts set forth in Applicants' Motion. Thus, under the usual standard for granting summary disposition Applicants would be entitled to judgment as a matter of law.

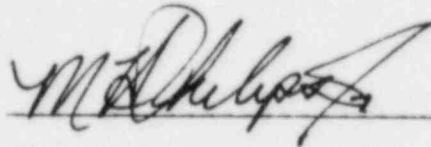
The Board has, however, established a "more lenient standard" in this phase of the proceeding for granting summary disposition.¹ In its June 29 Memorandum and Order, the Board stated that it intends to ask questions, request briefs or otherwise seek to clarify matters so as to determine whether sufficient information is available to make a "reasoned decision." Accordingly, we address in the attached affidavit of J.C. Finneran, Jr. each of CASE's assertions with respect to Applicants' statement of material facts which we perceive to require clarification and/or rebuttal to assist the Board in reaching a sound decision. We believe there clearly is sufficient information before the Board for it to reach a reasoned decision on this issue.

For the reasons set forth in Applicants' motion and those contained above and in the attached affidavit of J.C. Finneran,

¹ Memorandum and Order (Written-Filing Decisions #1; some AWS-ASME Issues) (June 29, 1984) at 2-3.

Jr., the Board should find that there is sufficient evidence before it to reach a reasoned decision granting Applicants' motion for summary disposition regarding section property values.

Respectfully submitted,



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November 12, 1984