

RAS 3546

**DOCKETED 11/07/01
SERVED 11/07/01**

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Richard F. Cole
Ann Marshall Young

In the Matter of

TENNESSEE VALLEY AUTHORITY

(Watts Bar Nuclear Plant, Unit 1;
Sequoyah Nuclear Plant, Units 1 & 2;
Browns Ferry Nuclear Plant, Units 1, 2 & 3)

Docket Nos. 50-390-CivP; 50-327 CivP;
50-328-CivP; 50-259-CivP;
50-260-CivP; 50-296-CivP

ASLBP No. 01-791-01-CivP

EA 99-234

November 7, 2001

ORDER
(Scheduling Telephone Prehearing Conference)

As provided in the Atomic Safety and Licensing Board's Prehearing Conference Order, dated August 1, 2001, a telephone prehearing conference is hereby scheduled for Wednesday, November 14, 2001, beginning at 10:00 a.m. EST. Parties and others wishing to participate should telephone (301) 231-5539, passcode 3256#, or (800) 638-8081, passcode 3256#, by 9:55 a.m. on that date.

Matters to be considered during the conference include (1) the progress of the parties in resolving legal issues including the definition of "protected activities" under 10 C.F.R. § 50.7, as well as the standard of proof in "dual motive" cases and the relevance of "remedy" case law on this subject, and whether briefing of these issues will be required; (2) discovery issues; (3) the need and appropriate schedule for dispositive motions, if warranted; (4) schedules for parties to provide the Licensing Board with lists of their proposed witnesses (including brief expositions of the subject matter of their testimony, if available) and documents

on which they propose to rely; (5) schedules for the evidentiary hearing; (6) possibilities of settlement of the proceeding; and (7) other appropriate matters.

It is so ORDERED.

For the Atomic Safety and Licensing Board

/RA/

Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 7, 2001

[Copies of this Order have been transmitted this date by e-mail to counsel for each party.]

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
TENNESSEE VALLEY AUTHORITY) Docket Nos. 50-390-CIVP,
) 50-327/328-CIVP and
(Watts Bar Nuclear Plant, Unit 1;) 50-259/260/296-CIVP
)
Sequoyah Nuclear Plant, Units 1 & 2; and)
)
Browns Ferry Nuclear Plant, Units 1, 2 & 3))
(Order Imposing Civil Monetary Penalty))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULING TELEPHONE PREHEARING CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Charles Bechhoefer, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Ann Marshall Young
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dennis C. Dambly, Esq.
Susan S. Chidakel, Esq.
Jennifer M. Euchner, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mark J. Burzynski, Manager
Nuclear Licensing
Tennessee Valley Authority
1101 Market Street
Chattanooga, TN 37402-2801

Thomas F. Fine, Esq.
Assistant General Counsel
Office of the General Counsel, ET 10A-K
Tennessee Valley Authority
400 W. Summit Hill Drive
Knoxville, TN 37902

Docket Nos. 50-390-CIVP
50-327/328-CIVP and
50-259/260/296-CIVP
LB ORDER (SCHEDULING TELEPHONE
PREHEARING CONFERENCE)

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of November 2001