

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 12/14/01
ATOMIC SAFETY AND LICENSING BOARD PANEL
SERVED 12/14/01

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Charles N. Kelber
Lester S. Rubenstein

In the Matter of

DUKE ENERGY CORPORATION

(McGuire Nuclear Station, Units 1 and 2,
Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-369-LR, 50-370-LR,
50-413-LR, and 50-414-LR

ASLBP No. 02-794-01-LR

December 14, 2001

ORDER

(Regarding December 18-19, 2001, Oral Argument)

1. All participants are advised of a room change for oral argument, which will be held in Courtroom 1, on the first floor of the U.S. Courthouse, on 401 W. Trade Street in Charlotte, North Carolina, commencing at 9:00 a.m. each day, rather than in Courtroom 2 as previously announced.

2. Participants are also notified that Courthouse officials have advised that there are only two counsel tables in the courtroom. Therefore, the petitioners shall share one table, and applicant and staff counsel shall share the other table. In addition, although all participants should be prepared to be flexible with regard to space accommodations, they should also be prepared to accommodate themselves to the space available and to have all documents to which reference may be made in oral argument organized so that they may be easily retrieved during argument as necessary.

3. Finally, participants are advised of the following schedule, to be used for guidance in oral argument on Petitioners NIRS' and BREDL's contentions:

Tuesday, December 18, 2001:

- 9:00-9:15 - Administrative matters as necessary
- 9:15-9:25 - BREDL argument on its Contention 1
- 9:25-9:35 - Duke argument on BREDL Contention 1
- 9:35-9:45 - Staff argument on BREDL Contention 1
- 9:45-9:55 - BREDL rebuttal argument
- 9:55-10:15 - Discussion with Board of BREDL Contention 1

- 10:30-10:40 - BREDL argument on its Contention 2
- 10:40-11:30 - Repeat pattern used above (10 minutes each for Duke and Staff argument and Petitioner rebuttal, and 20 minutes for discussion)

- 11:30-11:40 - BREDL argument on its Contention 3
- 11:40-12:30 - Repeat pattern used above

- 1:30-1:40 - BREDL argument on its Contention 4
- 1:40-2:30 - Repeat pattern used above

- 2:30-2:40 - BREDL argument on its Contention 5
- 2:40-3:30 - Repeat pattern used above

- 3:45-3:55 - NIRS argument on its Contention 1.1.1
- 3:55-4:10 - Duke and Staff responses to NIRS Contention 1.1.1
- 4:10-4:15 - NIRS rebuttal argument
- 4:15-4:35 - Discussion with Board

- 4:35-4:45 - NIRS argument on its Contention 1.1.2
- 4:45-5:00 - Duke and Staff responses to NIRS Contention 1.1.2
- 5:00-5:05 - NIRS rebuttal argument
- 5:05-5:25 - Discussion with Board

- 5:25-5:30 - Administrative matters as necessary

Wednesday, December 19, 2001:

- 9:00-9:05 - NIRS argument on its Contention 1.1.3
- 9:05-9:15 - Duke and Staff argument on NIRS Contention 1.1.3
- 9:15-9:20 - NIRS rebuttal
- 9:20-9:30 - Discussion with Board

- 9:30-9:40 - NIRS argument on its Contentions 1.1.4, 1.1.5
- 9:40-10:20 - Repeat pattern used with Contentions 1.1.1 for combined 1.1.4-1.1.5
(15 minutes - Duke and Staff argument, 5 minutes rebuttal, 20 minutes discussion)

- 10:40-10:45 - NIRS argument on its Contention 1.1.6
- 10:45-11:10 - Repeat pattern used with Contention 1.1.3 for Contention 1.1.6
(10 minutes - Duke and Staff argument, 5 minutes rebuttal, 10 minutes discussion)

- 11:10-11:15 - NIRS argument on its Contention 1.1.7
- 11:15-11:40 - Repeat pattern used with Contention 1.1.3 & 1.1.6 for Contention 1.1.7
(10 minutes - Duke and Staff argument, 5 minutes rebuttal, 10 minutes discussion)

- 11:40-11:45 - NIRS argument on its Contention 1.1.8
- 11:45-11:50 - Duke and Staff argument on Contention 1.1.8
- 11:50-11:53 - NIRS rebuttal
- 11:53-12:00 - Discussion with Board

Wednesday, December 19, 2001, continued:

- 1:15-1:20 - NIRS argument on its Contention 1.2.1
1:20-1:35 - Repeat pattern used with Contention 1.1.8
(5 minutes - Duke and Staff argument, 3 minutes rebuttal, 7 minutes discussion)
- 1:35-1:40 - NIRS argument on its Contention 1.2.2
1:40-1:55 - Repeat pattern used with Contention 1.1.8
(5 minutes - Duke and Staff argument, 3 minutes rebuttal, 7 minutes discussion)
- 1:55-2:00 - NIRS argument on its Contention 1.2.3
2:00-2:15 - Repeat pattern used with Contention 1.1.8
(5 minutes - Duke and Staff argument, 3 minutes rebuttal, 7 minutes discussion)
- 2:15-2:20 - NIRS argument on its Contention 1.2.4
2:20-2:35 - Repeat pattern used with Contention 1.1.8
(5 minutes - Duke and Staff argument, 3 minutes rebuttal, 7 minutes discussion)
- 2:35-2:40 - NIRS argument on its Contention 2.1.1
2:40-2:55 - Repeat pattern used with Contention 1.1.8
(5 minutes - Duke and Staff argument, 3 minutes rebuttal, 7 minutes discussion)
- 3:15-3:20 - NIRS argument on its Contention 2.1.2
3:20-3:35 - Repeat pattern used with Contention 1.1.8
(5 minutes - Duke and Staff argument, 3 minutes rebuttal, 7 minutes discussion)
- 3:35-3:45 - NIRS argument on its Contention 3.1
3:45-4:25 - Repeat pattern used with NIRS Contention 1.1.1
(15 minutes - Duke and Staff argument, 5 minutes rebuttal, 20 minutes discussion)
- 4:25-4:30 - NIRS argument on its Contention 4.1
4:30-4:45 - Repeat pattern used with Contention 1.1.8
(5 minutes - Duke and Staff argument, 3 minutes rebuttal, 7 minutes discussion)
- 4:45-4:50 - NIRS argument on its Contention 5.1
4:50-5:10 - Repeat pattern used with Contention 1.1.8
(5 minutes - Duke and Staff argument, 3 minutes rebuttal, 7 minutes discussion)
- 5:10-5:30 - Discussion of website issues and administrative matters

4. With regard to the website issues referenced in the last time slot, we note that the Staff has now offered to provide the FSARs subject to a temporary non-disclosure agreement, a course of action we find to be appropriate at this time. If the parties cannot agree on the manner, extent, or precise terms upon which this is to be accomplished, any disputes can be taken up during the last time slot, along with any other website-related issues.

5. With regard to the schedule in general, although the Board recognizes that argument on some contentions may require less - or in some instances where justified, slightly more - time than scheduled, thereby allowing for some leeway as necessary in the above schedule,

participants are again reminded to make every effort not simply to repeat their written arguments, but to expand upon them concisely and straightforwardly, as required to address the matters placed at issue in the amended and supplemented petitions and responses thereto. Specifically, the petitioners should direct their arguments to those raised by Duke and the Staff in their responses to the petitioners' contentions, and Duke and the staff should be prepared to address the verbal arguments made by the petitioners during oral argument, and all parties should be prepared to respond to questions from the Board on all contentions and responses thereto.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 14, 2001

¹Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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DUKE ENERGY CORPORATION) Docket Nos. 50-369/370/413/414-LR
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(McGuire Nuclear Station, Units 1 and 2;)
Catawba Nuclear Station, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING DECEMBER 18-19, 2001, ORAL ARGUMENT) have been served upon the following persons by deposit in the 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
Ann Marshall Young, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

Administrative Judge, ASLBP
Lester S. Rubenstein
4760 East Country Villa Drive
Tucson, AZ 85718

Susan L. Uttal, Esq.
Antonio Fernández, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Michael S. Tuckman, Executive Vice President
Nuclear Generation
Duke Energy Corporation
526 South Church Street
P.O. Box 1006
Charlotte, NC 28201-1006

Mary Olson
Director of the Southeast Office
Nuclear Information and Resource Service
729 Haywood Road, 1-A
P.O. Box 7586
Asheville, NC 28802

Janet Marsh Zeller, Executive Director
Blue Ridge Environmental Defense League
P.O. Box 88
Glendale Springs, NC 28629

Docket Nos. 50-369/370/413/414-LR
LB ORDER (REGARDING
DECEMBER 18-19, 2001, ORAL ARGUMENT)

David A. Repka, Esq.
Anne W. Cottingham, Esq.
Winston & Strawn
1400 L Street, NW
Washington, DC 20005

Paul Gunter
Nuclear Information and Resource Service
1424 16th St., NW
Washington, DC 20026

Lisa F. Vaughn, Esq.
Duke Energy Corporation
422 South Church Street
Charlotte, NC 28202

Jesse Riley
854 Henley Place
Charlotte, NC 28207

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of December 2001