

**RAS 3902**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 02/13/02**

**SERVED 0213/02**

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

February 13, 2002

FOURTH PREHEARING CONFERENCE ORDER  
(Telephone Conference, February 5, 2002)

On February 5, 2002, the Atomic Safety and Licensing Board conducted a telephone prehearing status conference (Tr. 168-198). Participating, in addition to the three Licensing Board Administrative Judges, were Brent Marquand, Esq., for Tennessee Valley Authority (TVA), Licensee; and Dennis C. Dambly, Esq. and Jennifer Euchner, Esq., accompanied by Nicholas Hilton, of NRC's Office of Enforcement (OE), for the NRC Staff. Also present were Michelle McKown, Esq., and William Keyser, Esq., law clerks for the Atomic Safety and Licensing Board Panel (ASLBP).

1. At the outset, the Board inquired whether discovery had been completed, as previously scheduled. Both parties confirmed that it was in fact complete, that responses to all questions had been received (Tr. 172).

2. Next, the Board confirmed that previously-established filing dates could be met by the parties and remained appropriate. In that connection, TVA on February 1, 2002, had timely

filed a motion for summary disposition, and the Staff's response is due on February 20, 2002. Briefs on various legal issues are to be filed by both parties on March 1, 2002. Lists of witnesses and documents are to be filed by Friday, March 29, 2002.

3. The hearing is to commence in Chattanooga, Tennessee on Tuesday, April 23, 2002, and may continue for as long as three weeks. Following discussion with the parties concerning potential hearing locations in the Chattanooga, Tennessee area, the Board has reserved hearing space at the United States Bankruptcy Court, Historic U.S. Courthouse, 31 E. 11<sup>th</sup> St., Chattanooga, Tennessee 37402. The hearing is to commence in Courtroom A, but may need to shift to Courtroom B on certain days. The Courthouse has metal detectors at the entrance, consistent with the practice of all Federal Courts; members of the public are permitted to attend, although NRC or TVA badges will assist in identification.

4. All participants agreed that witnesses will be sequestered for the hearing, and that both the Staff and TVA will be permitted to have a party representative of its choice sit with counsel during the hearing. Such person must be identified prior to the hearing, at the April 9, 2002 status conference set forth below. See Tr. 184. The Staff indicated that, in the event TVA's representative would otherwise be a sequestered witness, it would call such representative as its first witness (id.). Further, in order to facilitate the most efficient management of this proceeding, as well as the best use of all parties' time, except for good cause shown, if a particular witness is to testify on behalf of both the Staff and TVA, he or she will testify only once, with the scope of testimony or cross-examination not necessarily limited to the direct testimony.

4. Any motions in limine must be filed by April 4, 2002, with responses to be filed by April 8, 2002.

5. A telephone prehearing status conference is hereby scheduled for Tuesday, April 9, 2002, beginning at 10:00 a.m. EST. (Prior to that date, the Board will identify a passcode number to participate in the conference.) During this conference, the Board will hear argument on any outstanding motions at that time, may issue rulings on any motions in limine, and will consider any other relevant matters, including the schedule for particular witnesses, the manner in which documents (exhibits) are to be marked (Staff Exh. \_\_, TVA Exh. \_\_, or Exh. \_\_), and other trial preparation matters.

It is so ORDERED.

For the Atomic Safety and Licensing Board

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Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 13, 2002

[Copies of this Order have been e-mailed this date 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 FOURTH PREHEARING CONFERENCE ORDER (TELEPHONE CONFERENCE, FEBRUARY 5, 2002) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket Nos. 50-390-CIVP  
50-327/328-CIVP and  
50-259/260/296-CIVP  
LB FOURTH PREHEARING CONFERENCE  
ORDER (TELEPHONE CONFERENCE,  
FEBRUARY 5, 2002)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 13<sup>th</sup> day of February 2002