

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

RAS 4601

DOCKETED

07/01/02

SERVED

07/01/02

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

July 1, 2002

ORDER

(Addressing Request to Hold July 10, 2002, Telephone Conference in NRC Rockville Offices)

On June 17, 2002, Counsel for Petitioners requested, by e-mail (copy attached), that a status conference previously scheduled for July 10, 2002, in the above-referenced proceeding be held in the offices of the NRC in person rather than by telephone as previously arranged, in the interest of efficiency in discussing various complex issues. Counsel for Duke Energy opposed this request, by June 18, 2002, e-mail (copy attached), based upon the need for Duke Energy personnel to be present in North Carolina for a NRC Region II license renewal inspection during the week of the scheduled conference.

After weighing the various factors relating to the Petitioners' request, and in consideration of the inability of Judge Rubenstein to be present in the Rockville offices on July

10, the Board finds it more appropriate to hold the scheduled conference by telephone as previously planned, and denies the request to hold the conference in Rockville. As indicated earlier, **participants should call 301/231-5539 or 1-800/638-8081 a few minutes before 10:00 a.m. on July 10, 2002, and give passcode 8523# to be connected in to the conference.**

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 1, 2002

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

(6/17/02 from Petitioners' Counsel to ASLBP Members, Duke Energy Service List, ASLBP Law Clerk Goyal, and Ed Lyman)

Dear Judges Young, Kelber, and Rubenstein,

I am writing to request that if possible, the ASLB hold the upcoming July 10 conference regarding BREDL/NIRS Amended Contention 2 at the offices of the NRC, instead of over the telephone as planned. I am making this request because Duke's and the Staff's combined responses to the amended contention are quite lengthy, and likely to require extended and complex discussion. I think the conference would be much more efficient and much less stressful for all if the ASLB and the principal attorneys could be in the same room, and we could see each other as we converse. Other representatives of Duke, BREDL and NIRS could be conferenced in over a speakerphone. Either the hearing room or a conference room with a table and a telephone could be used.

I have contacted counsel for Duke and the NRC Staff regarding this request. Mr. Repka informed me that Duke would prefer to go ahead with the telephone conference, and Ms. Uttal stated that the Staff has no position on the matter. I also consulted with Mary Olson of NIRS, who agrees with this request on the assumption that she can participate by telephone.

Thank you for your consideration.

Sincerely,

Diane Curran

6/18/02 from Duke Energy Counsel to Service List et al)

Dear Judges:

In response to Ms. Curran's request regarding the July 10 phone conference, this will confirm her representation that Duke Energy does not support the request to hold the conference "live" in Rockville. A number of reasons lead us to take this position. Principally, however, in our view it is important to have our license renewal team (legal and technical) together, in one location, when we participate in the conference call. This allows us to most fully address Board questions and concerns. We will do this on July 10 by my participating from Charlotte, NC, along with other Duke Energy personnel. A conference in Rockville would instead require a number of individuals to travel to the NRC to participate. This is not possible because during the week of the conference, Duke will also be engaged in an NRC Region II license renewal inspection that requires those individuals to be in Charlotte. As a result, the current plan for a call from Charlotte works best for Duke Energy and will allow the fullest participation by those needed to assist counsel and the Board.

David A. Repka

drepka@winston.com

-----Original Message-----

From: Diane Curran [<mailto:dcurran@harmoncurran.com>]

Sent: Monday, June 17, 2002 1:22 PM

To: Diane Curran; Office of Secretary; Paul Gunter; Susan L. Uttal; Charles N. Kelber; Repka, David; Don Moniak; Mary Olson; Janet and Lou Zeller; Ann Marshall Young; Lester S. Rubenstein; Lisa F. Vaughn; Raju Goyal

Cc: Ed Lyman; Diane Curran

Subject: July 10 telephone conference -- Catawba/McGuire

(Text of duplicate copy of Curran e-mail omitted.)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
DUKE ENERGY CORPORATION) Docket Nos. 50-369/370/413/414-LR
)
(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 (ADDRESSING REQUEST TO HOLD JULY 10, 2002, TELEPHONE CONFERENCE IN NRC ROCKVILLE OFFICES) 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 (ADDRESSING REQUEST TO HOLD
JULY 10, 2002, TELEPHONE CONFERENCE IN
NRC ROCKVILLE OFFICES)

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

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

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

Jesse Riley
854 Henley Place
Charlotte, NC 28207

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 1st day of July 2002