

RAS 7542

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

April 2, 2004 (3:31PM)

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Ann Marshall Young, Chair
Anthony J. Baratta
Thomas S. Elleman

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED April 5, 2004

In the Matter of

DUKE ENERGY CORPORATION

(Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-413-OLA, 50-414-OLA

ASLBP No. 03-815-03-OLA

March 30, 2004

Corrected ORDER

(Confirming Matters Addressed at March 25 Telephone Conference)

A status conference was held in this proceeding¹ on March 25, 2004, by telephone conference call, to address various scheduling and other matters. The following matters were addressed during this conference:

1. Initial written discovery requests on all non-security-related contentions (except discovery against the Staff regarding non-security-related environmental contentions) shall be served and filed no later than March 31, 2004. This and all deadlines hereinafter set in this proceeding shall be construed to require that service and filing shall be accomplished in a manner to assure actual receipt by the licensing board and all parties by the date set.

2. Any objections of any nature to any such written discovery requests shall be served and filed no later than April 2, 2004.

¹This proceeding involves Duke Energy Corporation's (Duke's) February 2003 application to amend the operating license for its Catawba Nuclear Station to allow the use of four mixed oxide (MOX) lead test assemblies at the station. By Memorandum and Order dated March 5, 2003, Petitioner Blue Ridge Environmental Defense League (BREDL) was admitted as a party in the proceeding, after having filed a petition to intervene and request for hearing in response to a July 2003 Federal Register notice concerning this application. See LBP-04-04, 59 NRC ____ (2004); 68 Fed. Reg. 44,107 (July 25, 2003).

3. A telephone conference shall be held April 6, 2004, at 10:00 a.m. to address any discovery objections and responses thereto, as well as any other appropriate matters, including updates on progress in achieving discovery according to the deadlines set herein. Prior to the conference notification of call-in instructions shall be provided.

4. Responses to the initial written discovery requests shall be served and filed no later than April 14, 2004.

5. Any motions to compel regarding the initial discovery requests shall be served and filed no later than April 16, 2004.

6. A telephone conference shall be held April 20, 2004, at 10:00 a.m. to address any motions to compel and responses thereto, as well as any other appropriate matters. Prior to the conference notification of call-in instructions shall be provided.

7. Written requests for the second round of written discovery shall be served and filed no later than April 26, 2004.

8. Any objections to the second round of written discovery requests shall be served and filed no later than April 30, 2004.

9. A telephone conference shall be held May 4, 2004, at 10:00 a.m. to address any discovery objections and responses thereto, as well as any other appropriate matters. Prior to the conference notification of call-in instructions shall be provided.

10. Responses to the initial written discovery requests shall be served and filed no later than May 10, 2004.

11. Any motions to compel regarding the initial discovery requests shall be served and filed no later than May 12, 2004.

12. A telephone conference shall be held May 14, 2004, at 10:00 a.m. to address any motions to compel and responses thereto, as well as any other appropriate matters. Prior to the conference notification of call-in instructions shall be provided.

13. Depositions shall be taken during the period of April 26 through May 14, 2004. Any scheduling difficulties shall be brought to the licensing board in a timely manner to avoid delays.

14. Prefiled written direct testimony shall be filed no later than May 25, 2004. Any prefiled written rebuttal testimony shall be filed no later than May 28, 2004.


15. All parties shall have a continuing duty to supplement any and all discovery responses with any information that would, had it been available on the date originally due, have been of a nature to warrant including it in the original response. This duty shall continue, regarding each issue, through the hearing and closing of the record on such issue.

16. The Staff shall notify the licensing board and all parties, as soon as possible, of when it expects to issue its environmental assessment or impact statement.

17. Any necessary modification of the above dates, as well as further deadlines and schedules, will be set in accordance with the Board's intention to move this proceeding forward in the most efficient and expeditious manner possible, while at the same time ensuring that the proceedings are fair and allow for meaningful presentation and consideration of all evidence and argument on all issues, and accommodating all legitimate circumstances that present themselves in the coming days, weeks and months.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 30, 2004²

²Copies 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)
)
DUKE ENERGY CORPORATION) Docket Nos. 50-413-OLA
) 50-414-OLA
Catawba Nuclear Station, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB CORRECTED ORDER (CONFIRMING MATTERS ADDRESSED AT MARCH 25 TELEPHONE CONFERENCE) 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
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Thomas S. Elleman
Atomic Safety and Licensing Board Panel
5207 Creedmoor Rd., #101
Raleigh, NC 27612

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

Henry B. Barron, Executive Vice President
Nuclear Operations
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

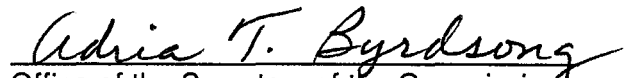
Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Docket Nos. 50-413-OLA and 50-414-OLA
LB CORRECTED ORDER (CONFIRMING
MATTERS ADDRESSED AT
MARCH 25 TELEPHONE CONFERENCE)

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

Lisa F. Vaughn, Esq.
Duke Energy Corporation
Mail Code - PB05E
422 South Church Street
P.O. Box 1244
Charlotte, NC 28201-1244

Paul Gunter
Nuclear Information and Resource Service
1424 16th St., NW, Suite 404
Washington, DC 20036


Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 5th day of April 2004