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February 9, 1981

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Washington, D.C. 20555

Dr. Emmeth A. Luebke
Atomic Safety and Licensing
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Dr. Richard F. Cole
Administrative Judge
U.S. Nuclear Regulatory
Commission
Atomic Safety and Licensing
Board Panel
Washington, D.C. 20555

Subject: Applicant's Prefiled Testimony

Gentlemen:

Attached hereto is the testimony which Applicant intends to present at the upcoming reopened evidentiary hearings. This testimony is filed pursuant to 10 CFR 2.743(b). In addition to the testimony Applicant will request that amendments to the Application (Applicant's Exhibit 3), the Final Safety Analysis Report (Applicant's Exhibit 2), and the Environmental Report-Operating License Stage (Applicant's Exhibit 1), which were made subsequent to the close of the record in 1978, be received into evidence. These amendments include Applicant's emergency plan. Also, Applicant has provided information to the Staff relative to the hydrogen generation issue. This information was furnished to the Intervenor in discovery. We are hereby providing a copy of this information to each Board member and will request that it be received in evidence.

Applicant is of the view that the record should reflect the facts of the Three Mile Island accident relative to the generation of hydrogen. Such are set forth in the Kemeny Commission Report (Report of the President's Commission on The Accident at Three Mile Island), Rogovin Committee Report (Three

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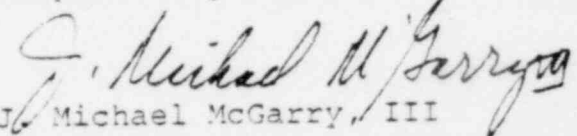
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Mile Island, A Report to the Commissioners and to the Public), and NUREG-0600 (Investigation Into The March 28, 1979 Three Mile Island Accident By Office Of Inspection And Enforcement). We would ask the Board to take official notice of these documents pursuant to 10 CFR §2.743(i) for the limited purpose of establishing the facts relative to the accident and not for the recommendations set forth therein. We would note that these documents are readily accessible official government documents. In the event such documents are not officially noticed, Applicant will be prepared to present testimony, including that of Alan Miller, which will factually describe the generation of hydrogen during the TMI accident.

Applicant has stated in several conference calls that the schedule for timely ascension to full power is in jeopardy due to the time associated with the reopened hearing and the impact that Appendix B to Part 2 has on the proceeding. It is imperative that the limited issues of this reopened hearing are timely resolved. We would urge the Board and parties to act in an expeditious fashion both in the presentation and cross-examination of evidence, and in the timely submittal of proposed findings. Upon receipt of the proposed findings, we would request this Board, in accordance with Appendix A, VI(d), to issue a decision within 35 days.

Respectfully submitted,


J. Michael McGarry, III

cc: All Parties

Enclosures

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DUKE POWER COMPANY) Docket Nos. 50-369
) 50-370
(William B. McGuire Nuclear)
Station, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Prefiled Testimony" dated February 9, 1981 in the captioned matter, have been served upon the following by deposit in the United States mail this 9th day of February, 1981.

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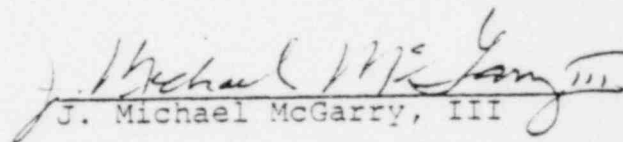
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