

September 11, 1981

James P. Gleason, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board
513 Gilmore Drive
Silver Spring, MD 20901

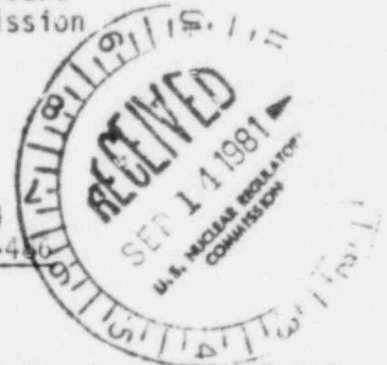
Mr. Glenn O. Bright
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
Union Electric Company
(Callaway Plant, Units 1 and 2)
Docket Nos. STN 50-483 and STN 50-486



Dear Administrative Judges:

This is to report on the successful resolution of certain discovery-related disputes between the Staff, Applicant, and Joint Intervenors, as well as to alert the Board to one scheduling matter which could not be successfully resolved by negotiations.

As to the successfully resolved matters, I am pleased to report the following for consideration by the Board:

1. In consideration of counsel for Joint Intervenors' representation that (a) Joint Intervenors shall call no witnesses in this proceeding, and that (b) cross-examination of witnesses sponsored by the other parties will be conducted solely by Joint Intervenors' counsel (with no assistance at the hearing from any experts or consultants), the Staff and Applicant have agreed not to pursue both the deposition of Kay Drey or their respective motions to compel Joint Intervenors to disclose the names of those persons having first-hand knowledge of their contentions or those persons with whom Joint Intervenors may have consulted with respect to this proceeding.
2. Since no location for the hearing on construction defects contentions has been previously designated by the Board, the Staff, Applicant, and Joint Intervenors recommend that the location for such a hearing be in the metropolitan St. Louis area. It is, however, recognized that any

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other party may file with the Board its preference for a different geographical location. It is suggested that any such filing be received by September 23, 1981.

- 3. As determined by the presiding Board, and pursuant to the provisions of 10 C.F.R. § 2.752, it is also recommended that a final prehearing conference with respect to the hearing on construction defects contentions also be held in metropolitan St. Louis, Missouri prior to start of hearing.

Complete agreement was not reached with respect to scheduling matters, although agreement was reached with respect to a few scheduling items, subject to approval by the Board. Inasmuch as the present schedule does not provide a specific time for the filing of summary disposition motions, it was agreed, subject to approval by the Board as follows:

Date

09/24/81 Date for filing motions for summary disposition on Joint Intervenors' construction defects contentions

11/04/81 Date for filing of direct testimony on construction defects contentions and filing copies of all proposed exhibits with respect to such contentions to be used by each party in its case-in-chief on the Licensing Board and parties participating in this aspect of the proceeding.

The one area of disagreement was the recommended date for the start of the hearing on construction defects contentions. In order to afford the parties an opportunity to file, and the Board to rule upon, summary disposition matters, as well as to accommodate certain scheduling conflicts including such conflicts of this Board due to other proceedings, the Applicant and Staff have proposed that the hearing on construction defects contentions commence on November 17, 1981. It has been agreed by the Staff, Applicant, and Joint Intervenors that on the date the hearing commences, Applicant's case-in-chief on construction defects contentions will be presented first. After completion of Applicant's entire case-in-chief on construction defects contentions, the Staff would present its case-in-chief on construction defects contentions. Finally, by that date, i.e., the first day of the hearing, each party shall also designate the documents to be used by it in cross-examination. However, Joint Intervenors have now advised the Staff and Applicant that they will not be in a position to go to hearing on the construction defects contentions until "December 1, 1981 at the earliest." The Staff has been informed that this request for an extension stems in part from a lack of ample time to prepare for hearing in light of the agreed upon schedule, as well as other commitments. Rather than represent in any detail Joint Intervenors' request for an extension of the hearing date until December, the undersigned Staff counsel has requested counsel for Joint Intervenors to outline his position to the Board separately

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in writing after receipt of this letter. The Staff and Applicant, however, would reserve the right to respond.

Sincerely,

Roy P. Lessy
Deputy Assistant Chief
Hearing Counsel

cc: Mr. John G. Reed
Trevia J. Hearne
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Eric A. Eisen, Esq.
Docketing and Service Section

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