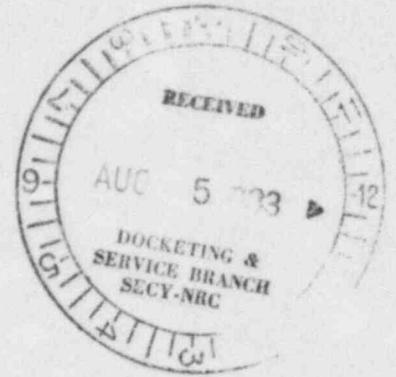


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Morton B. Margulies, Chairman
Ernest E. Hill
Dr. Paul W. Purdom



In the Matter of
DUQUESNE LIGHT COMPANY, Et Al.
(Beaver Valley Power Station,
Unit 2)

Docket No. 50-412
ASLBP No. 83-490-04 OL
August 4, 1983

SERVED AUG 5 1983

MEMORANDUM AND ORDER
(Scheduling Of A Special Prehearing Conference)

The Nuclear Regulatory Commission had published in the Federal Register of June 1, 1983, a notice that it received an application from Duquesne Light Company (Duquesne) to operate a pressurized water nuclear reactor located in Beaver County, Pennsylvania, approximately 5 miles east of East Liverpool, Ohio and 22 miles northwest of Pittsburgh, Pennsylvania. It directed that requests for a hearing and petitions for leave to intervene in the proceeding be filed by July 1, 1983.

Timely¹ petitions to intervene were filed by: the Commonwealth of Pennsylvania (Pennsylvania), seeking to participate in the proceeding as an interested State pursuant to 10 CFR 2.715(c); George S. White; Ralph

¹ A late filed petition to intervene was received on August 3, 1983 from William A. Lockstet, which will be considered separately under the provisions of 10 CFR 2.714(a)(1).

F. Walker; Environmental Coalition on Nuclear Power (ECNP); and Ohio Citizens For Responsible Energy (OCRE).

Responses to the petitions were received from Applicant and Nuclear Regulatory Commission Staff (Staff). Both do not object to the participation of Pennsylvania pursuant to 10 CFR 2.715(c). They allege omissions and deficiencies in the filings of the other Petitioners including the need to present allowable contentions as prescribed in 10 CFR 2.714(b), which could preclude Petitioners from being admitted as parties to the proceeding. Duquesne and Staff acknowledge that inadequacies can be overcome by providing the necessary material to qualify as parties, in timely filed amendments and/or supplements to the petitions.

Both Applicant and Staff responded to a request by ECNP for financial assistance from the Commission by citing law that provides none is to be given in proceedings of this type. Neither replied to Petitioner's request that a "mini-document room" be established at the Schlow Public Library, Beaver Avenue, State College, Pennsylvania because of the distance involved in getting to the library at Aliquippa, Pennsylvania.

The unresolved issues on standing and the need to pass upon any proposed contentions to be submitted, require the holding of a special prehearing conference, pursuant to 10 CFR 2.715a. Parties and Petitioners, or their counsel, are directed to appear at the special prehearing conference. It will be held in order to: (1) permit identification of the key issues in the proceeding, (2) take any steps

necessary for further identification of the issues; (3) consider all intervention petitions to allow the presiding officer to make such preliminary or final determinations as to the parties to the proceeding as may be appropriate; and (4) establish a schedule for further actions in the proceeding. The conference will be recorded verbatim.

In order that adequate time will be allowed for Petitioners to file amendments and/or supplements to their petitions, including proposed contentions, for Applicant and Staff to respond and for the Licensing Board to review the filings before the holding of the special prehearing conference, the following schedule is set as authorized by 10 CFR 2.711.

Petitioners shall file amendments and/or supplements to their petitions so that they are received by the Parties and Licensing Board by September 9, 1983. Duequesne shall have ten days from the receipt of the proposed contentions for service of its responses and Staff fifteen days. The special prehearing conference will be held at Pittsburgh, Pennsylvania on October 12, 1983 and if necessary on the following day. The specific time and location of the conference will be designated by further notice.

Parties and Petitioners are requested to meet and confer prior to the conference and attempt to frame agreed contentions or to narrow the issues involving proposed contentions.

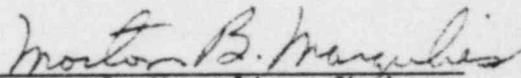
As to the request of ECNP for financial assistance, the law bars the Commission from providing financial assistance. See Public Laws 97-377, Section 512(f), (December 21, 1982) and 97-88, Section 502 (December 4, 1981); also Pennsylvania Power & Light Co. (Susquehanna

Steam Electric Station, Units 1 and 2), ALAB-613, 12 NRC 317, 336 (1980).

It is requested of Staff that it have set up promptly a local Public Document Room in State College, Pennsylvania of the type sought by ECNP. Petitioner should use existing Public Document Rooms, pending the making available of documents at State College, so that the schedule set forth above is not disrupted.

It is so Ordered, with all judges concurring.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Morton B. Margulies, Chairman
Administrative Law Judge

Issued at Bethesda, Maryland
this 4th day of August, 1983.