

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

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BEFORE ADMINISTRATIVE JUDGES  
James L. Kelley, Chairman  
Dr. A. Dixon Callihan  
Dr. Richard F. Foster

OFFICE OF SECRETARY  
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**RECEIVED** SEP 2 1982

In the Matter of  
DUKE POWER COMPANY, ET AL.  
(Catawba Nuclear Station,  
Units 1 and 2)

Docket Nos. 50-413  
50-414

September 1, 1982

ORDER

(Scheduling Second Prehearing Conference)

The parties and the Board Chairman participated in a conference telephone call on August 31, 1982 concerning the desirability of a second prehearing conference. This Order confirms the substance of that discussion. A second prehearing conference will be held in Charlotte, North Carolina on Thursday, October 7, 1982. The exact time and location of the conference will be announced at a later date.

ALAB-687. A principal purpose of the conference will be to consider the impact of the recent Appeal Board decision in this case, ALAB-687. The parties are to submit responses to the Board on the following (possibly overlapping) questions:

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- (1) What specific actions should this Board take as a result of ALAB-687?
- (2) Does ALAB-687 have any automatic effect, without Licensing Board action? If so, what is it?
- (3) Does ALAB-687 require the Licensing Board to vacate those provisions of its prior Order which admitted contentions on the condition that greater specificity would be supplied from documents not yet available, or from discovery?
- (4) If so, could the Board defer any further ruling on a seemingly vague contention if that vagueness might be cured on the basis of a required document not yet available?
- (5) Should the Board reconsider whether individual contentions previously admitted conditionally may meet minimal specificity requirements?

Responses to these questions need not be lengthy. We do not expect that any legal research or extended discussion of these points will be necessary. Responses should be mailed by September 22.

Discovery. The conference will include discussion of all aspects of discovery, including: resumption of discovery that was frozen, termination of discovery that has been ongoing, matters pending before the Board, and future schedules for discovery. Prior to the conference, the parties should discuss among themselves the settlement of outstanding discovery disputes.

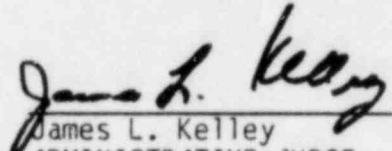
Draft Environmental Statement. The Staff's draft environmental impact statement was issued in mid-August and received by the parties about

August 20. Our Order of March 5, 1982 required that revised or new contentions based on new information be filed within 30 days following receipt of the relevant document. ALAB-687 does not set a specific time limit, such as 30 days, apparently because it is intended to apply to different cases with possibly differing factual circumstances. The Appeal Board spoke only of filing such contentions "promptly". We believe, however, that the 30-day rule we adopted here is consistent with the Appeal Board's promptness standard. Counsel for Palmetto argued for deferral of required filing of new contentions until after the conference, but indicated that he could meet a pre-conference deadline, if necessary. CESC and CMEC agreed that a pre-conference filing date around September 21-23 would be reasonable. Accordingly, the Intervenors are to have any revised or new contentions based upon new information in the draft impact statement in the hands of Counsel for the Applicants on September 22, 1982. The Applicants will arrange to get copies into the Staff's hands as soon as possible. The Applicants and the Staff will have their responses to any such contentions in the Board's hands on October 4, 1982; they will use their best efforts to have such responses in the Intervenors' hands also on October 4, 1982.

Site Visit. The Board is interested in a site visit for itself and representatives of the other parties. Counsel for the Applicants advises that such a visit can be arranged, probably for October 6, 1982, the day before the conference. A site visit would take almost a full day. Partly for this reason, we tentatively prefer to have the site visit before the conference. The Board will set up a telephone conference call during the last week of September to discuss the details of a site visit.

Other Matters. We will also discuss at the conference the current schedule for construction and for completion of other required documents. The Board expects to have a ruling on the pending "credible accidents" contention. The parties will have an opportunity to raise other relevant matters. Our aim is to give appropriate consideration to all outstanding items so that the case can move forward once again.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

 Chairman  
James L. Kelley  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland

This 1st day of September 1982.