

11/8/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

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Docket Nos. 50-413
50-414

NRC STAFF RESPONSE TO APPLICANTS' MOTION
TO DEFER RULING ON PALMETTO/CESG CONTENTION 19

On November 5, 1982, Applicants served a motion requesting that the Licensing Board defer ruling on Palmetto Alliance and Carolina Environmental Study Group new contention 19 on transportation of spent fuel and provide the parties with an opportunity to file a position on the applicability of Table S-4 to the possible shipment of Oconee and/or McGuire spent fuel to Catawba. Applicants have pointed to an apparent inconsistency in the Staff's position on this question, and to differences in their own position, which they believe could be further clarified by a round of pleadings on this issue.

The Staff agrees that there is a need for further clarification as to the considerations involved in reaching a conclusion on whether Table S-4 ought to be used in this case to account for the environmental impacts of spent fuel transshipment. The Staff believes such clarification would assist the Licensing Board in reaching a sound decision on Palmetto Alliance/CESG new contentions 10 and 19 inasmuch as both of these contentions deal with the environmental impacts of spent fuel transshipment.

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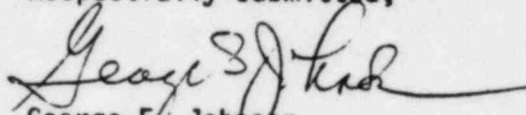
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As a result, the Staff supports Applicants' motion to defer ruling on Palmetto/CESG new contention 19, and would suggest the Board's ruling on new contention 10 also be deferred so that further pleadings may be permitted on this issue.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George E. Johnson".

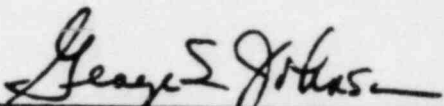
George E. Johnson
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 8th day of November, 1982.

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