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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'82 DEC 10 A11:24

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD SECRETARY
REGULATORY & SERVICE
BRANCH

In the Matter of)
)
DUKE POWER COMPANY, et al.) Docket Nos. 50-413
) 50-414
(Catawba Nuclear Station,)
Units 1 and 2))

APPLICANTS' MOTION REGARDING DISCOVERY
ON MATTERS PREVIOUSLY SUSPENDED

In its Order of July 8, 1982, the Atomic Safety and Licensing Board ("Board") in this proceeding suspended discovery with respect to all admitted contentions with the exception of Palmetto Alliance 8, 16 and 27. By its recent Order of December 1, 1982, the Board lifted the suspension order. In light thereof, Applicants have examined the status of discovery at the time of the suspension and have determined that several matters remain outstanding.

On April 9, 1982, Applicants served interrogatories upon Palmetto Alliance concerning, inter alia, contentions 6¹ and 7. On April 28, 1982, Palmetto Alliance served its responses to these interrogatories. Applicants then and now maintain that such responses are deficient and that a motion

1 The Board has limited and modified Palmetto Alliance Contention 6. Applicants have examined the modified contention and view such to be limited to allegations of (1) systematic deficiencies in plant construction, and (2) company pressure to approve faulty workmanship. In essence, Applicants view the contention as limited to the last sentence of original Palmetto Alliance Contention 6.

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to compel is in order.² Applicants in their pleading of May 10, 1982 noted (p. 8, n.10) that they were deferring the filing of motions to compel pending Board action on their request for a suspension of discovery. (Both Applicants and the Staff had sought a stay of discovery pending resolution of their objections to the Board's March 5 Order.) Applicants now wish to pursue this course and propose to file a motion to compel on or before December 20, 1982.

On April 20, 1982, Palmetto Alliance served interrogatories concerning, inter alia, its Contentions 6 and 7. Given the suspension of discovery Applicants did not provide answers. With the lifting of the suspension of discovery, answers are outstanding. Applicants propose to file such answers on or before December 30, 1982.

On September 27, 1982, Palmetto Alliance served upon Applicants interrogatories concerning its Contention 44.³ These interrogatories were filed together with interrogatories concerning Contention 16. Applicants filed answers to interrogatories concerning Contention 16 and noted that

² Applicants' interrogatories addressed, inter alia, the last sentence in Palmetto Alliance's original Contention 6. Applicants maintain that Palmetto Alliance's answers with regard thereto are deficient. Applicants' motion to compel will be limited to this aspect of its interrogatories and Palmetto Alliance's answers, inasmuch as the other interrogatories and answers to Palmetto Alliance's original Contention 6 have been mooted by the Board's Order of December 1, 1982.

³ This Board has admitted CESG's Contention 18, which is identical to Palmetto Alliance Contention 44.

they were not providing answers to those on Contention 44 because the Board had explicitly limited discovery in its July 1982 Order to Palmetto Alliance Contentions 8, 16 and 27. Inasmuch as the Board's Order of December 1 lifts the prior suspension of discovery, answers to Palmetto Alliance interrogatories regarding Contention 44 are now outstanding. Applicants propose to file such answers on or before December 30, 1982.

Applicants move that the Board permit the resumption of the discovery discussed above under the schedule proposed.

Respectfully submitted,

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December 9, 1982

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion Regarding Discovery On Matters Previously Suspended" in the above captioned matter have been served upon the following by deposit in the United States mail this 9th day of December, 1982.

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