

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Alan S. Rosenthal, Chairman
Thomas S. Moore
Howard A. Wilber

SERVED JUL 22 1982

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

Docket Nos. 50-413 OL
50-414 OL

ORDER

July 19, 1982

On June 30, 1982, the Licensing Board referred to us under 10 CFR 2.730(f) three specific rulings it had made in connection with the conditional admission of certain contentions advanced by intervenors in this operating license proceeding. In an order entered the following day, we invited those parties favoring interlocutory review of the referred rulings to file memoranda by July 16. The memoranda were to be addressed to both the existence of extraordinary cause for acceptance of the referral and the merits of the referred rulings.

The applicants and the staff accepted the invitation. Upon preliminary consideration of their lengthy submissions (62 and 24 pages, respectively), we have concluded that an opportunity


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to respond should be accorded those parties who either disfavor interlocutory review or are in agreement with the referred rulings. Any such response shall be filed on or before August 6, 1982. Irrespective of the position taken in it with regard to acceptance of the referral, the response is to set forth the party's views on the merits of the referred rulings. For, should the referral be accepted, this Board possibly might proceed to pass upon those rulings without calling for further briefing.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Fern Shoemaker
Secretary to the
Appeal Board