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

Before Administrative Judges:  
Marshall E. Miller, Chairman  
Gustave A. Linenberger, Jr.  
Dr. Cadet H. Hand, Jr.

In the Matter of )

UNITED STATES DEPARTMENT OF ENERGY )  
PROJECT MANAGEMENT CORPORATION )  
TENNESSEE VALLEY AUTHORITY )

(Clinch River Breeder Reactor Plant) )

Docket No. 50-537

INTERVENORS' RESPONSE TO  
APPLICANTS' SUPPLEMENT TO MARCH 7, 1983  
SCHEDULE MOTION

Intervenors, Natural Resources Defense Council, Inc. and the Sierra Club, hereby respond in opposition to "Applicants' Supplement to March 7, 1983 Schedule Motion," filed March 23, 1983.

As a preliminary matter, Applicants' reliance upon Intervenors' "proposed schedule" is misplaced. As indicated to the Board on January 5, 1983 (Tr. 7062-63), and to Applicants in a March 22, 1983 phone conversation, Intervenors' response to Applicants' original schedule was based on the assumption that the Board intended to commence construction permit evidentiary

hearings in June, 1983. During the January 5, 1983 conference, it became apparent that the June 1983 date earlier discussed by the Board (Tr. 6727-6730) referred to commencement of limited LWA-2 hearings, not the full-blown construction permit hearings currently envisioned. Intervenors strongly oppose the adoption of Applicants' proposed schedule to the construction permit phase.

This proposed schedule for construction permit hearings is both unworkable and unnecessarily foreshortened. In its Partial Initial Decision, the Board foresaw a "heavy burden" upon all parties at the construction permit phase of evidentiary hearings to provide sufficient evidence to permit a resolution of Intervenors' Contention 1 (PID 22). Applicants' schedule, by arbitrarily cutting off discovery and greatly limiting trial preparation time, makes it highly unlikely that the parties will be able to prepare adequately to meet this heavy burden.

Secondly, Applicants admitted (March 7 Schedule Motion at 2) that, at the very earliest, site preparation activities will not be completed before the end of the year. Moreover, Congress has specifically prohibited the commencement of any CRBR construction activities for the remainder of this fiscal year. H.R. Rep. No. 97-980, 97th Cong., 2d Sess. 186 (1982). Under these circumstances, Intervenors see no justification for bypassing an adequate trial preparation period in the haste to begin a new round of hearings.

On March 8, 1983, in response to Applicants' March 7 Schedule Motion, the Board revoked the LWA-2 proceeding and

directed the parties to commence discovery immediately on all Construction Permit issues. In light of the above, and considering the continuing uncertainty surrounding the dates for publication of the ACRS review and the NRC SER Supplement, Intervenor submit that establishment of a firm hearings schedule should, at the very least, await publication of the ACRS review and the SER Supplement.

Respectfully submitted,

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Dated: March 24, 1983

CERTIFICATE OF SERVICE

I hereby certify that copies of INTERVENORS' RESPONSE TO APPLICANTS' SUPPLEMENT TO MARCH 7, 1983 SCHEDULE MOTION were delivered this 24th day of March 1983 by hand\* or by first class mail upon:

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