

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

SERVED APR 04 1983

BEFORE ADMINISTRATIVE JUDGES

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

In the Matter of

DUKE POWER COMPANY, ET AL.

(Catawba Nuclear Station,
Units 1 and 2)

Docket Nos. 50-413
50-414

ASLBP No. 81-463-010L

April 1, 1983

MEMORANDUM AND ORDER
(Memorializing Telephone Conference Call)

The following people participated in a telephone conference call on March 31, 1983: For the Board: Judges Kelley and Foster; for the Applicants: Messrs. McGarry and Carr; for the NRC Staff: Mr. Johnson; for Palmetto Alliance: Mr. Guild; for Carolina Environmental Study Group: Mr. Riley; for the Charlotte-Mecklenburg Environmental Coalition: Mr. Presler. This memorandum summarizes the principal matters discussed.

The previously established due date for Palmetto to serve answers to the outstanding interrogatories from the Applicants and the Staff on Contentions 6, 7, 8, 16, 27 and 44 is April 14, 1983. Memorandum and Order of March 10, 1983. The Board wished to determine whether the objections made by the Applicants in their filing of March 25, 1983 were considered to provide a basis for extending the April 14 due date. Mr.

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Guild advised, however, that Palmetto is working to meet that due date and that it expects to provide substantive and timely answers, except in limited areas where answers have not yet been provided by the Applicants, or which are the subject of an unresolved objection. Subject to those limited exceptions, which are acceptable to all parties and the Board, the April 14, 1983 due date stands.

The Staff and the Applicants should have an opportunity to file a second round of interrogatories. This round should be limited, as Palmetto's was, to no more than 20 questions on each contention. Any such second-round interrogatories should be filed within 10 working days following receipt of Palmetto's answers to the first round. Palmetto is to file its answers to any second-round interrogatories by May 20, 1983, the date for the close of discovery on Contentions 6, 7, 8, 16, 27 and 44 and certain other contentions.

The Board discussed with Mr. Guild whether he wished to pursue his objection to the Applicants' claim of privilege with respect to certain documents. The Board's tentative views on this issue remain as expressed in our Order of March 10, 1983. Should Palmetto wish to pursue its objections further, that should be done as part of any motion to compel Palmetto may decide to file with respect to the Applicants' objections of March 25, 1983. If that is not done, or no motion to compel is filed, the Applicants' claim of privilege will be deemed sustained.

The Applicants have drafted a letter to certain employees and former employees at Oconee and McGuire similar to the letters attached

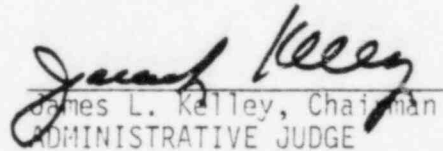
to Mr. Carr's letter of March 22, 1983 to the Board. Mr. Guild objected to the Applicants' proposal to mail this letter immediately. The letter would be included within the pending dispute between Palmetto and the Applicants concerning similar letters the Applicants have already sent to certain Catawba employees. Accordingly, the interested parties and the Board agreed that any mailing of such letters to the Oconee and McGuire employees would be deferred until the Board has resolved the pending dispute.

Mr. McGarry stated that the Applicants would soon be filing some additional documentation concerning control room design and emergency procedures. He anticipated that the documentation would be adequate, in the Applicants' view, to trigger an obligation to file any additional contentions in those areas within 30 days. This new documentation will be accompanied by a covering letter bringing this point to the attention of the Board and parties. The filing deadline issue, if there is one, can be discussed in another conference call, if necessary. Any party who believes that such a conference is necessary should telephone the Board Chairman promptly.

Mr. Riley brought the Board's attention to a recent document (NUREG-9066) concerning steam generator problems. He stated his intention to file additional contentions in that area and asked the Board for a contention deadline. The Board was unfamiliar with this document and asked the Staff to supply us with it and with any covering letter or

memorandum clarifying its status. After we have reviewed those documents, we will be back in touch with the parties concerning filing obligations.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


James L. Kelley, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland,
this 1st day of April, 1983.