

## DUKE POWER COMPANY

-LEGAL DEPARTMENT

P. O. Box 33189

CHARLOTTE, N. C. 28242



ALBERT V. CARR, JR.  
ASSISTANT GENERAL COUNSEL

June 15, 1983

Mr. Robert Guild  
Attorney-at-Law  
P. O. Box 12097  
Charleston, South Carolina 29412

DOCKET NUMBER  
PROD. & UTIL. FAC. 50-413  
50-414

Dear Mr. Guild:

We have received and reviewed a copy of the Board's June 13, 1983 Memorandum and Order concerning Palmetto Alliance's Motion for Further Discovery. Therein the Board permitted Palmetto Alliance to take the depositions of designated employees of Applicants (and Staff) between June 20 and July 15, 1983. Given past misunderstandings, we consider it necessary to set forth Applicants' position with respect to conduct of the further depositions of Duke employees ordered by the Board.

1. Depositions are limited to Duke Power Company employees "who may have knowledge of matters relating to quality assurance and control in welding at Catawba." (p. 6-7).
2. A separate notice of deposition must be issued for each and every Duke employee Palmetto Alliance seeks to depose. (p. 8). The notices of deposition must conform with the requirements of 10 CFR §2.740a(a). That is, the notice of deposition must include, in addition to the name of the individual to be deposed, the date, time and place of taking the deposition. In addition, Applicants view "reasonable notice" to be the receipt of notice 5 working days prior to taking the deposition. (However, such would not apply to depositions, if any, scheduled for June 20, 21 or 22.
3. Depositions must be conducted on normal working days, during normal business hours (8:00 A.M. to 5:00 P.M.), between June 20 and July 15, 1983. (p. 7).
4. As an accommodation to Palmetto Alliance, Applicants will make each employee for whom a notice of deposition has been timely filed, available for depositions in the legal conference room of Duke Power Company, Charlotte, North Carolina.

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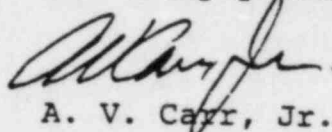
Mr. Robert Guild  
June 15, 1983  
Page two

5. If Palmetto Alliance desires to conduct any part of its depositions by referring to documents it received in discovery, Palmetto Alliance must itself bring those documents to the deposition.
6. Applicants will have a technical member of Applicants' Quality Assurance Staff present at each deposition, as well as a management representative.
7. Applicants will not waive witness fees and expenses.
8. Applicants agree to continue the stipulation concerning Palmetto Alliance's taking a deposition by tape recording.

With respect to item 2 above, Palmetto Alliance should promptly serve individual notices of deposition for each employee it wishes to depose. Because of the time of year, many employees have scheduled summer vacations, and it may be that a noticed deposition could conflict with those plans. We will attempt to reconcile any conflicts which may arise. However, if a conflict exists, and cannot be resolved, because of tardiness in Palmetto Alliance notification, we consider this insufficient reason to extend the taking of depositions beyond July 15, 1983, and will not agree to such extension.

If you have any disagreement with respect to any of the items listed above you should seek to resolve such concern expeditiously, particularly in light of the fact that it is our understanding that the Board Chairman will be unavailable between June 20, 1983, to about July 11, 1983.

Sincerely yours,



A. V. Carr, Jr.

AVCjr:dm

cc: Board & All Parties