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UNITED STATES
NUCLEAR REGULATORY COMMISSION
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OFFICE OF THE
COMMISSIONER

October 11, 1984

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MEMORANDUM TO: Files
FROM: Patricia Davis, Legal Assistant
Office of Commissioner Asselstine
SUBJECT: COMMUNICATION ABOUT CATAWBA OL PROCEEDING

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On October 10, 1984, I received a phone call from Ms. Austin Sapp of Charlotte, N.C. She said that she had complaints about Judge Kelley of the Catawba licensing board and about the NRC staff. She told me that she was not a member of any of the intervenor or environmental groups, but that she lives close to the Catawba plant. Her complaints were in the nature of a "citizen's complaint."

Ms. Sapp has three basic concerns about the way Judge Kelley is conducting the Catawba hearing. She said that Judge Kelley told the parties that he wants to get the hearing completed in two or three days. He has set time limits on testimony to accomplish this purpose. Ms. Sapp also said that Judge Kelley had refused to allow intervenors access to Duke Power's personnel records so that intervenors could get information on foreman reprimands. Her third complaint was that Judge Kelley had limited the number of witnesses intervenors could put on on certain issues.

Ms. Sapp's complaint about the NRC staff was that she says on one issue the staff did not do their own inspection or investigation, but instead relied on Duke Power's work.

I told Ms. Sapp that there wasn't much the Commission could do about her concerns about Judge Kelley right now and that the intervenors always had the opportunity to appeal Judge Kelley's actions and to show that they were harmed by them. I suggested that she set out her concerns in writing and mail them to me, and I would see that they were placed in the docket and served on the parties.

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