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ROBERT GUILD

RELAYED COMMUNICATIONS DIVISION

ATTORNEY AT LAW

POST OFFICE BOX 12067

CHARLESTON, SOUTH CAROLINA 29412

TELEPHONE 803 254 8132

James L. Kelley, Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Dr. Richard F. Foster
P. O. Box 4263
Sunriver, OR 97702

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Dr. Paul W. Purdom
235 Columbia Drive
Decatur, GA 30030

Re: DUKE POWER COMPANY, et al. (Catawba Nuclear Station, Units 1
and 2), Docket nos. 50-413 and 50-414 *OL*

Dear Sirs:

The Board's Order of July 20, 1984, imposes, we believe unfairly, certain further burdens upon Palmetto Alliance and Carolina Environmental Study Group solely as a consequence of the tardiness by Duke and the NRC Staff in their discovery of the serious safety problems with the emergency diesel generators common to Catawba and a number of other nuclear plants. The imposition of these burdens now threatens not only to deprive us of the fair opportunity to be heard on these issues to which we are entitled; but, also, threatens to deprive this Board of the sound record needed by it to decide these significant safety issues.

The Board's July 20 Order, at p. 4, required Palmetto and CESC to certify, by today, that our expert metallurgist, Dr. Robert Anderson (or one of like qualifications), will review specified Duke and NRC Staff reports and testimony, most not yet available, and be actually present at our August 27 hearings to provide his technical assistance to us in cross-examination. Due to Dr. Anderson's prior professional commitments we are unable to make such certification at this time.

We believe that Dr. Anderson is the most qualified expert available to assist Intervenor as well as this Board in the resolution of the acknowledged questions about the safe functioning of the Catawba TDI diesels. His qualifications in this regard are reflected in his prior commitments to consult with the government of Suffolk County, New York, in the review and analysis of problems

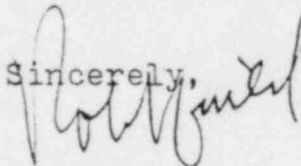
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August 1, 1984
James L. Kelley, ASLB
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with the TDI diesels at the Shoreham nuclear station, and to prepare and present expert testimony in the operating license proceeding for that facility. Because of his obligations to the Shoreham Intervenor which, I am informed, extend through our scheduled hearing dates on into September when the Shoreham hearings will be conducted; I am unable to make the certification required of us by the Board.

Thus, the present scheduling of hearings in this proceeding (adopted over our objection), in advance of and conflicting with pre-hearing requirements in Shoreham, will serve only to deprive the parties and the Board of the benefits of Dr. Anderson's expertise here. Such a result is, indeed, unfortunate since it harms Palmetto and CESC while contributing nothing to the resolution of the serious remaining safety issues at Catawba.

Sincerely,



Robert Guild

cc: service list