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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

James L. Kelley, Chairman
Dr. Richard F. Foster
Dr. Paul W. Purdom

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In the Matter of
DUKE POWER COMPANY, et al.
(Catawba Nuclear Station,
Units 1 and 2)

Docket Nos. 50-413 OL
50-414 OL

(ASLBP No. 81-463-06 OL)

August 22, 1984

ORDER

By letter dated August 16, 1984, Palmetto Alliance and CESC submitted certain prepared testimony from the pending Shoreham proceeding in purported satisfaction of their obligation to file a detailed statement of their technical positions on the diesel generator contention in this case. This submission does not meet, in whole or in part, the Board's prescribed standards for an acceptable statement of technical positions, as set forth in our Order of July 20, 1984. The most obvious defect (among others) is that the Intervenor's submission does not reflect any review by a qualified expert of the reports concerning the Catawba diesels previously prepared by the Applicants and the Staff's consultant. As a result, Palmetto Alliance and CESC have not met their burden of demonstrating that they will be able to make a

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significant contribution to the record on the highly technical diesel generator contention. 10 C.F.R. § 2.714(a)(1)(iii); Washington Public Power Supply System (WPPSS project), 18 NRC 1167, 1177-78 (1983). The Board has repeatedly made clear that failure to meet that important burden would result in dismissal of the diesel generator contention. Partial Initial Decision of June 22, 1984 at 273, n.50; Order of July 20, 1984 at 5; Tr. 12,815. Accordingly, that contention is dismissed and the evidentiary hearing previously scheduled to begin on August 27, 1984 is canceled. The Intervenors' submission of August 16, 1984 and the prepared testimony submitted by the Staff and Applicants on the diesel generator contention on August 20 and 21, 1984 are accepted as offers of proof of their positions had the contention gone to hearing. A fuller statement of the Board's views will issue shortly.

The text of this Order was read to the parties on the date hereof.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

James L. Kelley, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
August 22, 1984