

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 4096

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 03/14/02

SERVED 03/14/02

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Charles N. Kelber
Lester S. Rubenstein

In the Matter of

DUKE ENERGY CORPORATION

(McGuire Nuclear Station, Units 1 and 2,
Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-369-LR, 50-370-LR,
50-413-LR, and 50-414-LR

ASLBP No. 02-794-01-LR

March 14, 2002

ORDER

(Addressing Matters Discussed at March 13, 2002, Telephone Conference
and Scheduling April 10, 2002, Telephone Conference)

On March 13, 2002, a telephone conference was held in this proceeding, which concerns the license renewal application of Duke Energy Corporation, seeking approval under 10 C.F.R. Part 54 to renew the operating licenses for its McGuire Nuclear Station, Units 1 and 2, and Catawba Nuclear Station, Units 1 and 2, for additional twenty-year periods commencing in 2021, 2023, 2024 and 2026, respectively. The following matters were addressed:

1. With regard to discovery relating to Contention 1 and the scheduled July hearing on Contention 1, both NIRS and Duke indicated that they did not currently anticipate submitting any discovery requests to the NRC Staff. See Transcript at 728, 736-38.

2. With regard to Contention 2, Duke, BREDL and NIRS will, during the coming weeks, discuss the possibility of settling all or part of this contention based upon Duke's replies to Staff RAIs, including additional replies to be filed in the days following the March 13 conference, relating to the issues involved in Contention 2. See Transcript at 740-49.

3. On April 10, 2002, at 10:00 a.m. Eastern time, another telephone status conference shall be held, at which the following matters will be addressed:

(A) Duke and NIRS shall report on their progress in discovery on Contention 1, and any disputes that may have arisen shall be addressed. The parties shall timely commence discovery so that any and all disputes of whatever nature relating to discovery on Contention 1 are defined prior to April 10, including if possible appropriate written recounting of any such disputes to be provided to the Board and all parties prior to April 10, so that these may be resolved in a timely manner. See Transcript at 749. Duke and NIRS shall also report on any progress or possibility of settling any or all aspects of Contention 1. See Transcript at 750.

(B) Duke, BREDL and NIRS shall inform the Board and Staff of what if any issues remain with regard to Contention 2 after settlement discussions and negotiations have occurred. See Transcript at 748-49.

(C) Any scheduling or other matters that may aid in the most efficient conduct of this proceeding will be discussed and any pertinent new deadlines set, as appropriate.

(D) The parties were directed to be fully prepared at the April 10 conference to address the above issues and any others that are anticipated so that these can be resolved in a timely and efficient manner. See Transcript at 750-51.

4. NIRS and BREDL through their representatives, Ms. Mary Olson and Mr. Louis Zeller (who will be handling Contention 2 for BREDL), indicated that BREDL will be the lead party on Contention 2 in the event it is not settled, and that they anticipate that counsel might be brought into the case. The intervenors were encouraged to get counsel involved as soon as possible, as late retention of counsel will not be looked upon as good cause for any extension or delay of the proceedings in this matter. See Transcript at 744, 749-50.

Participants should call 301/231-5539 or 1-800/638-8081 a few minutes before 10:00 a.m. and give passcode 4594#, in order to be connected in to the April 10 conference.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 14, 2002

¹Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

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NUCLEAR REGULATORY COMMISSION

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DUKE ENERGY CORPORATION)	Docket Nos. 50-369/370/413/414-LR
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(McGuire Nuclear Station, Units 1 and 2;)	
Catawba Nuclear Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (ADDRESSING MATTERS DISCUSSED AT MARCH 13, 2002, TELEPHONE CONFERENCE AND SCHEDULING APRIL 10, 2002, TELEPHONE CONFERENCE) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Ann Marshall Young, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge, ASLBP
Lester S. Rubenstein
4760 East Country Villa Drive
Tucson, AZ 85718

Susan L. Uttal, Esq.
Antonio Fernández, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Michael S. Tuckman, Executive Vice President
Nuclear Generation
Duke Energy Corporation
526 South Church Street
P.O. Box 1006
Charlotte, NC 28201-1006

Mary Olson
Director of the Southeast Office
Nuclear Information and Resource Service
729 Haywood Road, 1-A
P.O. Box 7586
Asheville, NC 28802

Janet Marsh Zeller, Executive Director
Blue Ridge Environmental Defense League
P.O. Box 88
Glendale Springs, NC 28629

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LB ORDER (ADDRESSING MATTERS DISCUSSED
AT MARCH 13, 2002, TELEPHONE CONFERENCE
AND SCHEDULING APRIL 10, 2002, TELEPHONE
CONFERENCE)

David A. Repka, Esq.
Anne W. Cottingham, Esq.
Winston & Strawn
1400 L Street, NW
Washington, DC 20005

Lisa F. Vaughn, Esq.
Duke Energy Corporation
422 South Church Street
Charlotte, NC 28202

Paul Gunter
Nuclear Information and Resource Service
1424 16th St., NW
Washington, DC 20026

Jesse Riley
854 Henley Place
Charlotte, NC 28207

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of March 2002