

SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

1800 M STREET, N. W.

WASHINGTON, D. C. 20036

RAMSAY D. POTTS, P.C.
STUART L. PITTMAN, P.C.
GEORGE F. TROWBRIDGE, P.C.
STEPHEN D. POTTS, P.C.
GERALD CHARNOFF, P.C.
PHILLIP D. BOSTWICK, P.C.
R. TIMOTHY HANLON, P.C.
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STEVEN M. LUCAS
DAVID M. RUBENSTEIN
LYNN WHITTLESEY WILSON
MATIAS F. TRAVIESO-DIAZ
VICTORIA J. PERKINS

(202) 822-1000

TELECOPIER

(202) 822-1099 & 822-1199

TELEX

89-2693 (SHAWLAW WSH)

CABLE "SHAWLAW"

WRITER'S DIRECT DIAL NUMBER

JOHN H. O'NEILL, JR.
JAY A. EPSTEIN
RAND L. ALLEN
TIMOTHY B. MCBRIDE
ELISABETH M. PENDELTON
PAUL A. KAPLAN
HARRY H. GLASSPIEGEL
THOMAS H. MCCORMICK
WILLIAM P. BARR
SUSAN M. FREUND
JOHN L. CARR, JR.
PHILIP J. HARVEY
ROBERT M. GORDON
BARBARA J. MORGAN
BONNIE S. GOTTLIEB
HOWARD H. SHAFFERMAN
DEBORAH B. BAUSER
SCOTT A. ANENBERG
CAMPBELL L. KILLEFER
SETH H. HOOGLASIAN
SHEILA MCC. HARVEY
DELISSA A. RIDGWAY
KENNETH J. HAUTMAN

DAVID LAWRENCE MILLER
ANNE M. KRAUSKOPF
FREDERICK L. KLEIN
GORDON R. KANOFKY
JEFFREY S. GIANCOLA
HANNAH E. M. LIEBERMAN
SANDRA E. FOLSOM
MARCIA E. NIRENSTEIN
JUDITH A. SANDLER
EDWARD D. YOUNG, III
ROBERT L. WILLMORE
WENDELIN A. WHITE
STANLEY M. BARG
KRISTI L. LIMBO
LESLIE K. SMITH
VIRGINIA S. RUTLEDGE
KATHERINE P. CHEEK
JANICE LEHRER-STEIN
TRAVIS T. BROWN, JR.
GAIL E. CURREY
RICHARD H. KRONTHAL
STEPHEN B. HEIMANN

June 7, 1982

Peter B. Bloch, Esq.
Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Wisconsin Electric Power Company,
Point Beach Nuclear Plant, Units 1
and 2, Docket Nos. 50-266-OLA and
50-301-OLA

Dear Judge Bloch:

This letter will serve as minutes of the conference call held in the above referenced proceeding on June 1, 1982, from 10:00 a.m. to 11:00 a.m. EDST.

Licensee requested the conference call to discuss scheduling of the proceeding. The NRC Staff also requested an opportunity to respond orally to Decade's May 20, 1982 letter to the Board concerning discovery of the Staff. A conference call was arranged with the Staff, Wisconsin's Environmental Decade, Inc. ("Decade"), and Licensee represented. Initially, all parties waived the right to have a reporter present during the conference call and waived the right to question the propriety of the Board's action in convening a conference

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Peter B. Bloch, Esq.
June 7, 1982
Page 2

call without a reporter. Counsel for Licensee was directed to take minutes of the conference call.

Counsel for Licensee stated the nature of his concerns about the scheduling of the proceeding. During the January 11, 1982 conference call, the Board had established a schedule in which the due dates for numerous filings ran from the issuance of the Staff's SER (then projected for late February). Assuming issuance of the SER in late February, the January 11 schedule would have resulted in a timely decision on full-scale sleeving (to be performed during the Unit 2 refueling outage beginning March 25, 1983).

However, the date of issuance of the SER has been revised several times, and is now projected for June 30, 1982. Given a June 30, 1982 SER issuance, the January 11 schedule might not enable a timely decision on full-scale sleeving. Accordingly, counsel for Licensee proposed the following schedule for the major events remaining in the proceeding, severing those events from the issuance of the SER:

Decade's Motion Concerning Litigable Issues	7/19/82
Licensee's Response to Decade's Motion	8/9/82
Staff's Response to Decade's Motion	8/16/82
Decade's Reply to Responses of Licensee and Staff	8/31/82
Telephone Conference on Decade Motion	9/8/82
Possible Board Decision on Litigable Issues	9/22/82
Prefiled Testimony of Al. West	10/12/82
Hearing Begins	10/25/82

Assuming a hearing of approximately two weeks, approximately two months for the filing of proposed findings of fact and conclusions of law, and one month thereafter for the issuance of an initial decision, Licensee's proposed schedule would lead to an initial decision in early February 1983.

Peter B. Bloch, Esq.
June 7, 1982
Page 3

Counsel for Licensee observed that the SER was considered in the NRC's rules to be in the nature of Staff testimony, and that the rules did not accord discovery on the SER as a matter of right. However, since the Board's January 11 schedule had included time to conduct such discovery, if any, on new information contained in the SER/EIA, counsel for Licensee further proposed the following collateral schedule to accommodate such discovery:

Issuance of the SER/EIA	6/30/82
Decade's Discovery Requests (if any) on New Information in the SER/EIA	7/12/82
Responses to Decade's Discovery Requests on the SER/EIA	7/27/82
Decade's Amendment, if any, to its Motion Concerning Litigable Issues Based on New Information in the SER/EIA	8/3/82
Responses of Staff and Licensee to Motion Amendment	8/17/82
Decade's Reply to Responses of Staff and Licensee	8/31/82

Under the proposed schedule, Decade would "flag" possible issues for litigation raised by the SER/EIA, if any, in its initial Motion Concerning Litigable Issues. In addition, service of documents would generally be by Express Mail; Licensee would also endeavor to facilitate expedited hand service of documents among the parties. (In a subsequent telephone conversation, Decade and Licensee agreed to consult with respect to arrangements for service of Decade's documents.) Counsel for Licensee observed that the proposed schedule represented a savings of at least one month over the January 11 schedule.

Counsel for the Staff supported Licensee's proposed schedule and stated that other events, such as the possible need for follow-up discovery on SER discovery, might render Licensee's proposed schedule up to two months shorter than the schedule set during the January conference call. Counsel for the Staff affirmed that the Staff indeed anticipates issuance

Peter B. Bloch, Esq.
June 7, 1982
Page 4

of the SER/EIA by June 30, 1982, and does not expect the SER to differ substantially from either the San Onofre SER or the SER on the sleeving demonstration program at Point Beach.

Citing a number of outstanding unresolved discovery matters, and the possibility of new information, Decade stated that adopting any schedule for the proceeding was premature. Nevertheless, Decade had no objection to the major schedule proposed by Licensee, so long as there would be no burden to overcome in proposing revisions to the schedule which might be necessitated by succeeding events, such as the injection of significant new issues into the proceeding. With respect to the collateral schedule proposed by Licensee, Decade proposed that two filings be linked directly to the issuance of the SER, rather than due on a date certain -- i.e., that Decade's discovery requests on the SER (if any) be due two weeks after Decade's receipt of the SER, and that Decade's Amendment to its Motion Concerning Litigable Issues be due one week after receipt of responses to its discovery requests on the SER.

Judge Bloch adopted the proposed schedule, including the collateral schedule, but directed Licensee to convert its collateral schedule into terms of number of days following receipt of documents. The collateral schedule translates as follows, assuming the documents are received, through hand delivery, on the day of issuance or filing:

Issuance of the SER/EIA

Decade's Discovery Requests (if any) on New Information in the SER/EIA	12 days after receipt of SER/EIA
Responses to Decade's Discovery Requests on the SER/EIA	15 days after receipt of discovery requests
Decade's Amendment, if any, to its Motion Concerning Litigable Issues Based on New Information in the SER/EIA	7 days after receipt of responses to discovery requests

Peter B. Bloch, Esq.

June 7, 1982

Page 5

Responses of Staff and Licensee to
Motion Amendment

14 days after
receipt of
motion
amendment

Decade's Reply to Responses of Staff
and Licensee

14 days after
receipt of
responses of
Staff and
Licensee

Judge Bloch noted that the schedule was a "target" schedule, "amenable to adjustment." As Judge Bloch explained the schedule, the Board intends to adhere to the schedule, and expects the parties to adhere to the schedule, though it may be modified for good cause. In response to an inquiry by Decade, Judge Bloch stated that there would be no legal burden to overcome on the part of any party who sets forth reasons to change the schedule.

Judge Bloch raised Decade's May 13, 1982 letter to the Board, which requested leave to undertake discovery on issues raised by LER 82-007 for Point Beach Unit 1 (which reported leakage detected in a sleeved tube from which explosive plugs were removed). Counsel for Licensee stated that, by letter dated May 25, 1982, Licensee had stipulated that it will not sleeve tubes which have been previously plugged with explosive plugs. In light of that stipulation, Judge Bloch requested that Decade explain the continued validity (if any) of the requested discovery. Decade was not prepared to argue the subject during the conference call, but agreed to file a written response to the Board's question on June 2, 1982.

The Staff argued its opposition to Decade's May 20, 1982 letter, which requested a Board order requiring the Staff to keep Decade informed, on a continuing basis, on a number of topics. The Staff objected to the proposed discovery as irrelevant to the issues in the instant proceeding, overbroad and too general, and excessively burdensome.

Judge Bloch proposed that the Staff attempt to informally resolve the dispute by providing Decade with information about new forms of steam generator tube degradation not discussed in NUREG-0886, "Steam Generator Tube Experience," as well as information about the operating experience of sleeved tubes at San Onofre and Ginna. If the information provided to Decade does not meet Decade's needs, Decade will

Peter B. Bloch, Esq.
June 7, 1982
Page 6

inform the Staff, so that the Staff may respond formally to Decade's May 20, 1982 letter.

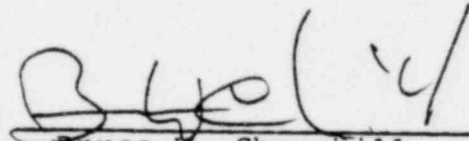
Counsel for Licensee emphasized that Licensee does not consider information concerning all forms of steam generator tube degradation to be relevant to the Point Beach license amendment request which is the subject of the instant proceeding. Accordingly, Licensee's silence on the proposed informal resolution of the issues raised in Decade's May 20, 1982 letter should not be interpreted as an admission of the relevance of those issues.

This letter has been reviewed by all parties.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By



Bruce W. Churchill
Counsel for Licensee

cc: Judge Jerry R. Kline
Judge Hugh C. Paxton
Service List Attached

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
WISCONSIN ELECTRIC POWER COMPANY)	Docket Nos. 50-266
)	50-301
(Point Beach Nuclear Plant,)	(OL Amendment)
Units 1 and 2))	

SERVICE LIST

Peter B. Bloch, Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Hugh C. Paxton
1229 - 41st Street
Los Alamos, New Mexico 87544

Dr. Jerry R. Kline
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Stuart A. Treby, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard G. Bachmann, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Kathleen M. Falk, Esq.
Wisconsin's Environmental Decade
114 North Carroll Street
Suite 208
Madison, Wisconsin 53703

Francis X. Davis, Esq.
Monroeville Nuclear Center
Westinghouse Electric Corporation
P. O. Box 355
Pittsburgh, PA 15230

Barton Z. Cowan, Esq.
John R. Kenrick, Esq.
Eckert, Seamans, Cherin & Mellott
Forty-Second Floor
600 Grant Street
Pittsburgh, PA 15219