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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
UNITED STATES DEPARTMENT OF ENERGY)	
)	
PROJECT MANAGEMENT CORPORATION)	Docket No. 50-537
)	
TENNESSEE VALLEY AUTHORITY)	
)	
(Clinch River Breeder Reactor Plant))	
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APPLICANTS' SUPPLEMENT TO
MARCH 7, 1983
SCHEDULE MOTION

The United States Department of Energy and Project Management Corporation, acting for themselves and for the Tennessee Valley Authority (the Applicants), hereby file this Supplement to their March 7, 1983 Schedule Motion.

On January 5, 1983, the Board considered proposals submitted by both Applicants and Intervenor concerning the schedule for Construction Permit (CP) hearings. While these proposals differed somewhat in regard to specific milestones for discovery, testimony and other prehearing activities, both contemplated a single phase of hearings for the CP and arrived at a similar end point -- commencement of evidentiary hearings in mid-late June of 1983. The Board deferred ruling on these proposals pending issuance

of the LWA-1 Partial Initial Decision (PID), and receipt of a firm schedule for completion of the NRC Staff's safety evaluation.

The Board's PID, dated February 28, 1983, was made available to the parties on March 2, 1983, and served from the NRC Docketing and Service Section on March 3, 1983. On March 2, 1983, Applicants hand delivered a proposed CP hearing schedule to Intervenor and the NRC Staff for their consideration (copy attached). This proposed schedule was based on the Intervenor's January 5, 1983 proposal with modifications to reflect January 5, 1983 discussions between the parties and the Staff's then current safety evaluation schedule. The Staff promptly responded indicating agreement. Counsel for Applicants telephoned Intervenor's counsel on March 3 and 4, 1983, and having requested a return call, received no response. On March 7, 1983 Applicants filed their schedule motion, with service by hand to Intervenor, the NRC Staff and the Board.

On March 11, 1983 the Board issued an Order revoking the LWA-2 proceeding, setting a single phase of hearings for CP issues, and opening discovery on all admitted contentions as set forth in the Order. On March 11, 1983 the NRC Staff issued its Safety Evaluation Report (SER), and served all parties with copies. Having received no responses from Intervenor, counsel for Applicants telephoned Intervenor

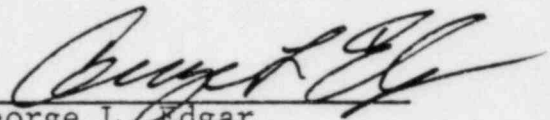
on March 17, 1983. Intervenors' counsel returned the call and advised that they would not be in a position to discuss schedule until Monday, March 21, 1983 and that they would call then to discuss the matter. Having received no call, Applicants called again on March 22, 1983. Finally, on March 22, 1983 Intervenors returned the call and advised counsel for Applicants that they had no interest in discussing a schedule or specific scheduled milestones unless and until:


- (a) the Board issued an Order directing them to do so, or
- (b) the NRC Staff's SER Supplement was issued.

Applicants believe that further discussions with Intervenors concerning the schedule would be futile. Intervenors have failed to respond to Applicants' March 7, 1983 Motion within the time prescribed by 10 C.F.R. § 2.730(c), and are in default. The Staff has schedule completion of the SER Supplement (if one is necessitated by the ACRS review) by May 2, 1983, and the passage of time could foreclose adoption of a schedule consistent with Intervenors' proposal and Applicants' Motion and thus result in a discontinuity between completion of site preparation and the start of safety-related construction. Applicants believe that it is in the best interest of all parties to have definite milestones to work toward commencement of hearings and a decision, and that the schedule proposed by Applicants, based as it is on Intervenors' original proposal, would properly serve that objective.

In light of the foregoing circumstances, Applicants respectfully urge that the Board act immediately to adopt their proposal. Failing that, Applicants request that the Board immediately set a prehearing meeting or telephone conference call to discuss and resolve the CP hearing schedule.

Respectfully submitted,


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