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June 18, 1984

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

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

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

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

Gentlemen:

This is in reference to the Licensing Board's sua sponte diesel generator contention, discovery thereunder, including Intervenor's motion to compel discovery, and the Commission's June 8, 1984 Order regarding that contention.

As of this date, Applicants are prepared to file revisions to those of its April 2, 1984 responses to Intervenor's interrogatories which are relevant to the Board's sua sponte contention, as well as a revised list of documents available for inspection and copying. Applicants are also prepared to serve on the Board and parties a letter which updates the letters of February 17, and March 29, with respect to Applicants' diesel generator test and inspection program.

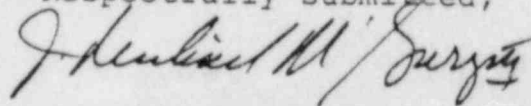
Applicants have also been served with a document entitled "Palmetto Alliance and Carolina Environmental Study Group's

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Motion to Compel Discovery From Applicants." This document was filed pursuant to the Board's direction in the conference call of May 21, 1984, and was to have been filed by June 1, 1984. As such is the case, Applicants' response would have been due today, June 18, 1984. However, though the motion to compel bears a date of May 31, 1984, and its Certificate of Service bears a date of June 1, 1984, the envelope in which the document was mailed was dated June 5, 1984. The document was not received by Applicants' counsel in Washington until June 7, 1984. Applicants' counsel in Charlotte was not served with a copy. Therefore Applicants are not now in a position to respond to the motion to compel.

In any event, Applicants believe that the Commission has ordered this Board to "terminate its consideration of the sua sponte [diesel generator] issue." Therefore, Applicants do not intend either to serve the revisions to the prior discovery responses and the letter to the Board or to respond to Intervenor's motion to compel. In our view the Commission's Order of June 8, 1984 dismisses the Board's sua sponte contention from the proceeding, and as the Board itself recognizes (Tr. 12528) that contention was the sole diesel generator contention in the proceeding. As the matter of diesel generators is no longer an issue in this proceeding, no obligations regarding discovery on such attach to Applicants. Therefore no revisions to the prior discovery responses will be filed, nor will the letter referenced above be sent. */

Respectfully submitted,



J. Michael McGarry, III
Albert V. Carr, Jr.

cc: All parties

*/ In the event the Board determines a response to the motion to compel should be filed Applicants' request an extension for a reasonable period of time (a week) to file such response.