

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
DUKE POWER COMPANY	)	Docket Nos. STN 50-488
	)	STN 50-489
(Perkins Nuclear Station	)	STN 50-490
Units 1, 2 and 3)	)	

APPLICANT'S RESPONSE TO STAFF'S  
PLEADING OF SEPTEMBER 24, 1979

Pursuant to the Board's Order of October 2, 1979, Applicant herein responds to the Staff's pleading of September 24, 1979. The Staff has suggested that a prehearing conference be held to discuss the matters of financial qualifications, need for power, alternatives, generic issues and compliance with requirements arising from the Three Mile Island accident.

Applicant is of the view that no prehearing conference need be held at this time. Indeed, one may never be necessary. As Applicant views the matter, the Three Mile Island issues appear to be controlling. The Staff has stated that various investigations and studies are presently underway with regard to this accident; Applicant submits that it would be prudent to await their completion and not to embark upon an-independent course in the Perkins docket. However, rather than leaving the matter open-ended, the Board should direct the Staff to inform the Board and parties promptly when the various investigations and studies are completed. In the event the investigations and studies are completed, but the

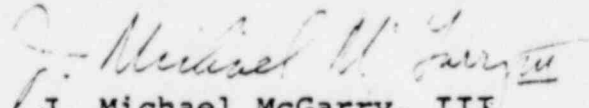
Staff has failed to formulate a position, Applicant would reserve the right to move the Board to instruct the Staff to so act, rather than to delay the Perkins proceeding even further. At that time, the Board should receive the positions of the parties as to the appropriate course to follow.

With respect to the remaining issues, the Applicant's views have been previously set forth in its pleading of July 25, 1979. Applicant continues to feel that the developments which have transpired since the last hearing are not significant and do not warrant a further reopening of the record. The Staff's September 24, 1979 pleading calls for a reexamination of these matters. Applicant assumes therefore that the Staff is in the process of gathering information to enable it to determine whether or not, in its view, the record is adequate with regard to these latter matters and to so inform the Board and parties. Further, Applicant submits that, if necessary, the results of the Staff's reexamination can be incorporated into the record by affidavit and that no further evidentiary hearings are necessary or appropriate.

Applicant respectfully suggests that the course of action for the Board to take at this point is to deny the Intervenor's motion to dismiss, to issue a partial initial decision on the alternative site and generic safety matters (which were the subject of evidentiary hearings) and to direct the Staff to advise the Board and parties promptly as to whether the record

is adequate as to the issues addressed in its September 24, 1979 pleading, and if not, the course of action the Staff proposes to remedy the deficiencies it perceives.

Respectfully submitted,

  
J. Michael McGarry, III

Of counsel:

William L. Porter, Esq.  
Associate General Counsel  
Duke Power Company

October 9, 1979

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Response to Staff's Pleading of September 24, 1979", dated October 9, 1979 in the above captioned matter have been served upon the following by deposit in the United States mail this 9th day of October.

Elizabeth S. Bowers  
Chairman, Atomic Safety  
and Licensing Board  
U. S. Nuclear Regulatory  
Commission  
Washington, D. C. 20055

Dr. Donald P. deSylva  
Associate Professor of  
Marine Science  
Rosenstiel School of Marine  
and Atmospheric Science  
University of Miami  
Miami, Florida 33149

Dr. Walter H. Jordan  
881 West Outer Drive  
Oak Ridge, Tennessee 37830

William L. Porter, Esq.  
Associate General Counsel  
Duke Power Company  
Post Office Box 33189  
Charlotte, North Carolina  
28242

Charles A. Barth, Esq.  
Counsel for NRC Regulatory  
Staff  
Office of the Executive  
Legal Director  
U. S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

William A. Raney, Jr., Esq.  
Special Deputy Attorney  
General  
State of North Carolina  
Department of Justice  
Post Office Box 629  
Raleigh, North Carolina  
27602

William G. Pfefferkorn, Esq.  
2124 Wachovia Building  
Winston-Salem, North Carolina  
27101

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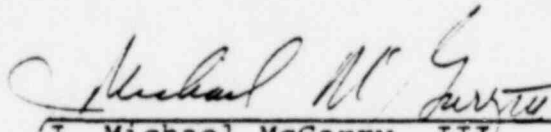
Mary Apperson Davis  
Route 4  
Box 261  
Mockeville, North Carolina  
27028

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

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

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

Quentin Lawson, Esq.  
Federal Energy Regulatory Commission  
Room 8611  
825 N. Capital Street  
Washington, D. C. 20426

  
J. Michael McGarry, III

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