

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

APPLICANT'S MOTION REQUESTING AN OPPORTUNITY
TO RESPOND TO NRC STAFF PLEADING OF
SEPTEMBER 24, 1979

On September 24 the NRC Staff filed its response to Intervenor's Motion to Dismiss or in the Alternative to Stay the Proceedings. Therein, the Staff stated that:

"The Staff in urging the proceeding not be dismissed recognizes value in preserving the record already made. However, because of changes announced by Applicant that record must be supplemented before a decision may be made. The question of the procedural framework, scope and timing of this re-examination can be discussed at a prehearing conference which the Staff suggests be scheduled for this purpose."

In light of the impact the Staff's position may have on the future course of events in this proceeding, Applicant respectfully requests an opportunity to respond to the Staff's pleading. Applicant would file its position on or before October 9, 1979.

Respectfully submitted,

J. Michael McGarry, III
J. Michael McGarry, III

Of counsel:

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

September 27, 1979

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Motion Requesting an Opportunity to Respond to NRC Staff Pleading of September 24, 1979", dated September 27, 1979 in the above captioned matter have been served upon the following by deposit in the United States mail this 27th day of September.

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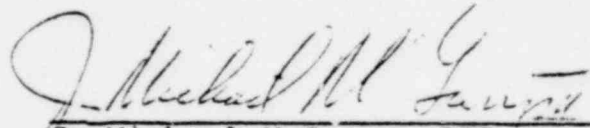
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