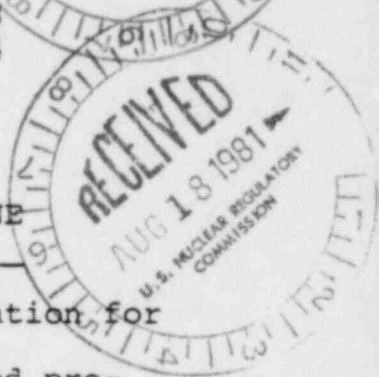
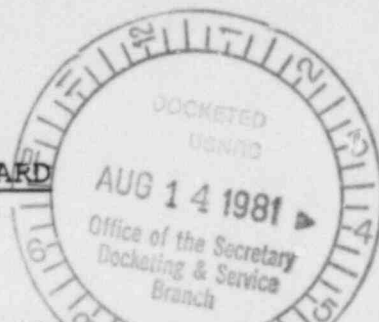


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DUKE POWER COMPANY, et al.)
)
(Catawba Nuclear Station,)
Units 1 and 2))

Docket No. 50-413
50-414



APPLICANTS' 1/ RESPONSE TO PETITION TO INTERVENE
OF CAROLINA ENVIRONMENTAL STUDY GROUP

On June 25, 1981, a "Notice of Receipt of Application for Facility Operating License..." concerning the captioned proceeding was published in the Federal Register. (46 Fed. Reg. 32974). In response to such Notice, Carolina Environmental Study Group ("CESG") filed a "Petition To Intervene" in the proceeding. 2/ Pursuant to 10 CFR §2.714(c) Applicants make the following response to CESG's Petition.

On May 26, 1978, the Nuclear Regulatory Commission amended its Rules of Practice to facilitate public participation in

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- 1/ "Applicants" refers to Duke Power Company, North Carolina Municipal Power Agency Number 1, North Carolina Electric Membership Corporation and Saluda River Electric Cooperative, Inc.
- 2/ CESG's Petition, though it is dated July 27, 1981, does not have a certificate of service as required by 10 CFR §2.701. Applicants were not served, have not as of this time received CESG's petition in the mails, and obtained their copy from the NRC on August 6, 1981. CESG's representative, Mr. Riley, is an experienced intervenor who has participated in numerous NRC proceedings, and certainly is aware of the requirements for service. Applicants raise these points at this time not as an objection to CESG's petition, but to ask the Board to alert Mr. Riley that strict adherence to the Commission's rules will be required.

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its license application review and hearing process. 43 Fed. Reg. 17789 (April 26, 1978). With particular reference to the standard by which petitions to intervene would be judged, the Commission stated:

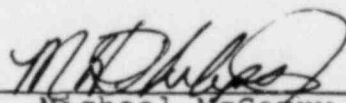
The petition shall set forth with particularity the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors in paragraph (d) of this section, and the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene. 10 CFR §2.714(a)(2).

In determining whether CESG has satisfied the intervention standard, Applicants have been guided by NRC case law, principally Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 & 2), ALAB-522, 9 NRC 54 (1979). Given the fact that the Affidavit of Jesse L. Riley, President of CESG, shows residency in Charlotte, 17 miles from Catawba, Applicants acknowledge that pursuant to North Anna, supra, CESG has satisfied the intervention standard as contemplated in 10 CFR §2.714. Applicants hasten to add that their position with regard to intervenor status should in no way be viewed as a concession with respect to the subject matter of such intervention. Rather, Applicants will await the filing of contentions 3/ and will respond in the appropriate fashion.

3/ Under the amended rules, petitions for intervention need not set forth contentions. Rather, the petitioner has until 15 days before the holding of the special or first prehearing conference in which to file his contentions in the form of a supplement to the petition. 10 CFR §2.714(b); Nuclear Engineering Company, Inc. (Sheffield, Illinois, Low-Level Radioactive Waste Disposal Site), ALAB-473, 7 NRC 737, 743 n.5 (1978).

As a final matter Applicants wish to point out to the Board that, in addition to the instant Petition, the Charlotte-Mecklenburg Environmental Coalition in its Petition to Intervene and Request for Hearing, contends that it represents the interests of CESG in this proceeding. Applicants maintain that CESG should be called upon to explain this dual participation role, and that absent a satisfactory explanation, it should not be permitted to participate both individually and as a member of the Coalition.

Respectfully submitted,


7n J. Michael McGarry, III

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August 14, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
DUKE POWER COMPANY, <u>et al.</u>)	Docket No. 50-413
)	50-414
(Catawba Nuclear Station,)	
Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response to Charlotte-Mecklenburg Environmental Coalition Petition to Intervene and Request for Hearing," "Applicants' Response in Opposition to Petition to Intervene of Safe Energy Alliance," and "Applicants' Response to Petition to Intervene of Carolina Environmental Study Group," dated August 14, 1981 in the captioned matters, have been served upon the following by deposit in the United States mail this 14th day of August, 1981.

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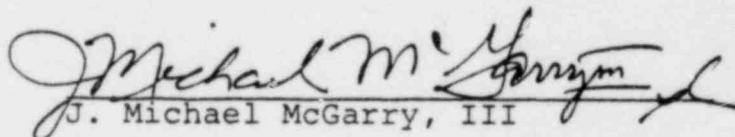
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