



ASSISTANT ATTORNEY GENERAL  
ANTITRUST DIVISION

United States Department of Justice

WASHINGTON, D.C. 20530

JUL 31 1981

Howard K. Shapar  
Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Duke Power Company  
Catawba Nuclear Station  
Units 1 and 2 NRC  
Docket Nos. 50-413A and 50-414A

Dear Mr. Shapar:

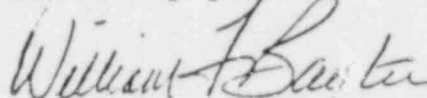
You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase of an ownership interest in Duke Power Company's (Duke) Catawba Nuclear Station, Unit 2 by Piedmont Municipal Power Agency (PMPA).

Duke's participation in the above-captioned nuclear units was the subject of an antitrust review conducted by the Department of Justice (Department) in 1973. As a result of that review the Department recommended that a hearing be held to determine whether Duke's proposed activities under the license would create or maintain a situation inconsistent with the antitrust laws. Because Duke was willing to have certain conditions attached to its license for the Catawba plant, the Department recommended that the antitrust proceeding it had initiated be terminated. More recently, in October 1980, the Department had occasion to review an application to include North Carolina Electric Membership Corporation and Saluda River Electric Cooperative as co-owners of Catawba Nuclear Station, Unit 1 and co-applicants for the construction permit for that facility. After reviewing the information submitted for antitrust review purposes, the Department advised the Commission that no antitrust hearing was necessary.

Review of the information submitted to the Department has not disclosed antitrust problems attending PMPA's participation in the plant. PMPA's participation, consisting of a 25% individual ownership interest in Catawba Nuclear Station, Unit 2, will not create or maintain a situation inconsistent with

the antitrust laws. We do not, therefore, believe it necessary for the Commission to hold an antitrust hearing.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William F. Baxter".

William F. Baxter  
Assistant Attorney General  
Antitrust Division