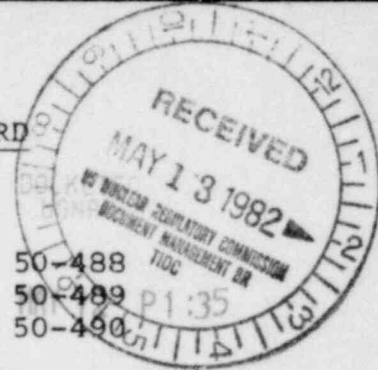


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DUKE POWER COMPANY)
)
(Perkins Nuclear Station)
Units 1, 2 and 3)

Docket Nos. STN 50-488
"82 50-489
50-490



OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

RESPONSE TO MOTION FOR LEAVE TO FILE REPLY

NOW COME Intervenor's responding for Motion for Leave to File Reply by Applicants and submit that said Motion should not be allowed. Intervenor's responded to Duke's Motion for a termination without prejudice by arguing the law in regard to a termination with or without prejudice and by citing cases and parts of the record that supported its position. The Intervenor's obviously argued in more detail just as the Applicant did in its new Motion to Withdraw. It is equally obvious that no new issues were raised. Applicants are concerned for the simple reason that their Motion was superficial and they failed to rely on the record but simply resorted to characterizing Intervenor's assertions as "nonsense."

Finally, it should be pointed out that the Motion for Leave to File a Reply asserts that the Applicant was to deal with the issues raised by Intervenor's on March 11th. This is mistaken. This Board told the Applicant to deal in its Motion with issues raised on March 11th, Appeal Board Comment in ALAB-668 and the decision in Fulton and North Const. Duke can show no surprise and no new issues and therefore there is simply no basis for additional pleadings.

Respectfully submitted this 10th day of May 1982.

William G. Pfefferkorn
WILLIAM G. PFEFFERKORN