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AUTH. NAME AUTHOR AFFILIATION  
 LEE, W.S. DUKE POWER CO.  
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 DENTON, H.R. OFFICE OF NUCLEAR REACTOR REGULATION

SUBJECT: UTIL BELIEVES WRITTEN ISSUANCE OF A FORMAL ORDER RE  
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NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

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# DUKE POWER COMPANY

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PRESIDENT &  
CHIEF OPERATING OFFICER  
(704) 373-4283

April 29, 1979

Mr Harold R Denton, Director  
Office of Nuclear Reactor Regulation  
U S Nuclear Regulatory Commission  
Washington, D C 20555

Dear Mr Denton:

At the conclusion of its April 27, 1979 meeting, the Commission directed that Duke Power Company's proposals (which were set forth in my letter of April 26, 1979) and the NRR position on the matter of continued Oconee operation be reflected in a written order. For the record, this will advise you that we believe that issuance of a formal order in this context is undesirable as a matter of policy and unnecessary as a matter of law.

We view the present status of the situation as the culmination of discussions between us which are fully documented. These discussions and my decision to submit the proposal letter of April 26, 1979, did not contemplate issuance of an order.

When the agreed-upon fixes have been implemented and have been promptly reviewed and approved by your office, our agreement clearly contemplated that we could restart or continue operation as the case may be for each unit. You will of course want to keep the Commission informed. In any event, we would strongly protest requiring Commission action or any other additional unwarranted procedural formalities as a condition of restart or continued operation.

Sincerely,

REGULATORY DOCKET FILE 0000



W S Lee

WSL/s

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