

*Circulated
w/AEC - R152/5
Lupp*

Before The

UNITED STATES ATOMIC ENERGY COMMISSION

DOCKETS NOS. 50 - 269, 50 - 270, and 50 - 287

MATTER OF THE APPLICATION OF DUKE POWER COMPANY
FOR LICENSES UNDER
THE ATOMIC ENERGY ACT OF 1954 AS AMENDED
FOR THE CONSTRUCTION AND OPERATION OF
OCONEE NUCLEAR STATION, UNITS 1, 2 and 3

JOINT PETITION OF

PIEDMONT CITIES POWER SUPPLY, INC., and ELEVEN PIEDMONT ELECTRIC
CITIES FOR LEAVE TO INTERVENE

Piedmont Cities Power Supply, Inc.
City of Statesville, North Carolina
City of High Point, North Carolina
City of Lexington, North Carolina
City of Monroe, North Carolina
City of Shelby, North Carolina
City of Albemarle, North Carolina
Town of Cornelius, North Carolina
Town of Drexel, North Carolina
Town of Granite Falls, North Carolina
Town of Newton, North Carolina
Town of Lincolnton, North Carolina

Joint Petitioners for Leave to Intervene

Jack R. Harris
J. O. Tally, Jr.
Spencer W. Reeder

Attorneys for Joint Petitioners
for Leave to Intervene

7912160/30 G

Before The
UNITED STATES ATOMIC ENERGY COMMISSION

DOCKETS NOS. 50 - 269, 50 - 270, and 50 - 287

MATTER OF THE APPLICATION OF DUKE POWER COMPANY
FOR LICENSES UNDER
THE ATOMIC ENERGY ACT OF 1954 AS AMENDED
FOR THE CONSTRUCTION AND OPERATION OF
OCONEE NUCLEAR STATION, UNITS 1, 2 and 3

JOINT PETITION OF
PIEDMONT CITIES POWER SUPPLY, INC., and ELEVEN PIEDMONT ELECTRIC
CITIES FOR LEAVE TO INTERVENE

1. The following named parties:

Piedmont Cities Power Supply, Inc.
City of Statesville, North Carolina
City of High Point, North Carolina
City of Lexington, North Carolina
City of Monroe, North Carolina
City of Shelby, North Carolina
City of Albemarle, North Carolina
Town of Cornelius, North Carolina
Town of Drexel, North Carolina
Town of Granite Falls, North Carolina
Town of Newton, North Carolina
Town of Lincolnton, North Carolina

in accordance with Section 189 of the Atomic Energy Act of 1954, as amended,
and Section 2.714 of the Commission's Rules of Practice hereby request
a hearing and file written petition to intervene so as to be admitted as
parties with full right to file a motion to dismiss for lack of jurisdiction,
and should said motion be denied or ruling thereon postponed, to submit
testimony, to cross-examine witnesses, to file proposed findings, conclu-

under Section 104(b) of the Atomic Energy Act of 1954 as amended, for the construction and operation of Oconee Nuclear Station, Units 1, 2 and 3, which is a "commercial" nuclear station, and which has been falsely labeled in the application a research and development activity.

3. Joint petitioners for leave to intervene oppose the application of Duke Power Company upon the ground that the Atomic Energy Commission is without jurisdiction to grant the research and development licenses prayed for under Section 104 of the Atomic Energy Act,, for the reasons set forth in the motion to dismiss, a true and correct copy of which is hereto attached, made part hereof, and incorporated herein as fully as though physically rewritten herein.

4. The interests of the joint petitioners for leave to intervene will be adversely affected by Commission action unless said motion to dismiss for lack of jurisdiction is granted for the reasons set forth in the said motion and Memorandum in Support of Motion to Dismiss, a true and correct copy of which is hereto attached, made part hereof, and incorporated herein as fully as though physically rewritten herein.

5. Since this petition to intervene raises at the outset an issue of jurisdiction which was not specified in the Commission's notice of hearing, it is respectfully requested that the order allowing intervention expressly provide for the hearing, argument, and decision of the joint petitioner's motion to dismiss for lack of jurisdiction, as the first order of business at the hearing before the licensing board, now scheduled for August 29, 1967, at Walhalla, South Carolina.

WHEREFORE, joint petitioners for leave to intervene pray that their joint petition for leave to intervene be granted in all respects, as aforesaid.

Respectfully submitted,

Piedmont Cities Power Supply, Inc.
City of Statesville, North Carolina
City of High Point, North Carolina
City of Lexington, North Carolina
City of Monrce, North Carolina
City of Shelby, North Carolina
City of Albemarle, North Carolina
Town of Cornelius, North Carolina
Town of Granite Falls, North Carolina
Town of Drexel, North Carolina
Town of Newton, North Carolina
Town of Lincolnton, North Carolina

By:

Jack R. Harris
Suite 207 - Stimpson-Wagner Bldg.
Statesville, North Carolina

J. O. Tally, Jr.
P. O. Drawer 1660
Fayetteville, North Carolina

Spencer W. Reeder
Spencer Building
St. Michaels, Maryland

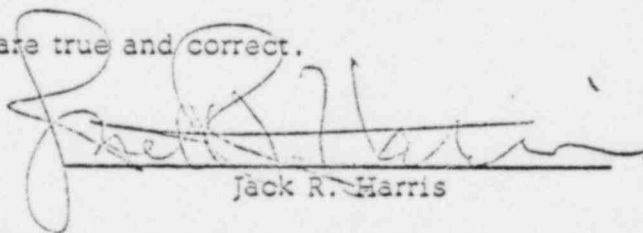
Attorneys for Joint Petitioners
for Leave to Intervene

Dated: August 10, 1967

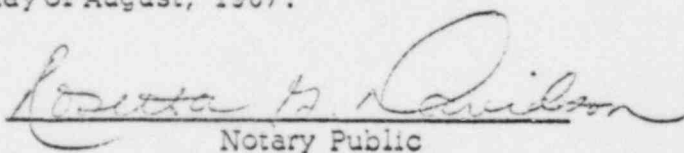
VERIFICATION

STATE OF NORTH CAROLINA
COUNTY OF IREDELL, SS:

Jack R. Harris, being first duly sworn, states that he is an attorney duly admitted to the practice of law in the State of North Carolina; that he has been employed as Special Counsel by each and all of the Joint Petitioners for Leave to Intervene herein; that he has read the foregoing document and knows the contents thereof; that he has subscribed and executed said document as a duly authorized attorney for said Joint Petitioners; that he has been duly authorized by each and all of the Joint Petitioners to file the aforesaid document; and that the contents thereof are true and correct.


Jack R. Harris

Subscribed and sworn to before me, a Notary Public of the State of North Carolina, this 10th day of August, 1967.


Notary Public

My commission expires:

May 23, 1969.