

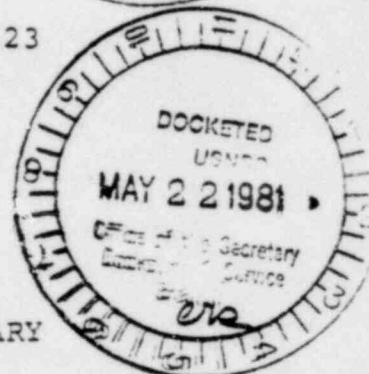
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEALS BOARD



In the Matter of)
DUKE POWER COMPANY)
(Amendment to Materials)
License SNM-1773 for Oconee)
Nuclear Station Spent Fuel)
Transportation and Storage)
at McGuire Nuclear Station))

Docket No. 70-2623



APPLICANT'S RESPONSE TO "CESG'S RESPONSE
TO OFFICE OF INSPECTION AND ENFORCEMENT SUMMARY
OF INQUIRY REGARDING DUKE POWER COMPANY
POSSIBLE FALSE STATEMENT"

On May 5, 1981, Intervenor, CESG, filed a "Response to Office of Inspection and Enforcement's Summary of Inquiry Regarding Duke Power Company Possible False Statement." The subject matter of Intervenor's response is an April 20, 1981 NRC Staff memorandum concerning an inquiry by the Office of Inspection and Enforcement into Duke Power Company testimony concerning the so-called cascade plan. Intervenor asserts that the Inspection and Enforcement report is either untimely or that the procedures utilized are improper. Applicant submits that Intervenor's position is in error for the following reasons.

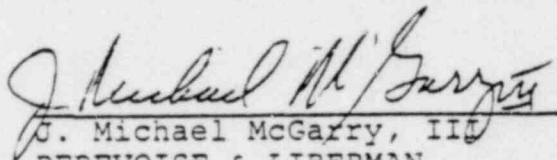
The Office of Inspection and Enforcement is charged with investigating numerous activities including, inter alia, Duke Power Company testimony concerning the so-called cascade plan. The Office of Inspection and Enforcement has certain internal procedures and schedules for conducting its investigation and

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such should not be the subject of a challenge before this Appeal Board. Rather, the matter has been raised before the Appeal Board pursuant to the NRC Staff's longstanding policy of informing the Board and parties of various matters which may be related to the subject matter of a proceeding. Such being the case the Staff's memorandum must be viewed as simply informational in nature and does not require a response by CESG. Therefore, CESG response should be stricken.

Respectfully submitted,



C. Michael McGarry, III
DEBEVOISE & LIBERMAN
1200 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 857-9800

Of Counsel

William L. Porter
Associate General Counsel
DUKE POWER COMPANY

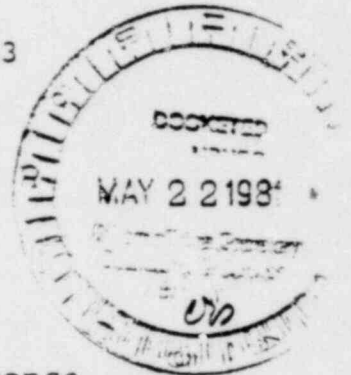
May 20, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
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DUKE POWER COMPANY)
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License SNM-1773 for Oconee)
Nuclear Station Spent Fuel)
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Response to 'CESG's Response to Office of Inspection and Enforcement Summary of Inquiry Regarding Duke Power Company Possible False Statement'" dated May 20, 1981, in the captioned matter have been served upon the following by deposit in the United States mail this 20th day of May, 1981.

Alan S. Rosenthal, Esq.
Chairman
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. John H. Buck
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Richard S. Salzman, Esq.
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Emmeth A. Luebke
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Cadet H. Hand, Jr.
Director
Bodega Marine Laboratory
of California
Post Office Box 247
Bodega, California 94923

Jesse L. Riley
President
Carolina Environmental
Study Group
854 Henley Place
Charlotte, North Carolina 28207

Marshall E. Miller
Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Richard P. Wilson, Esq.
Assistant Attorney General
State of South Carolina
2600 Bull Street
Columbia, South Carolina 29201

Ellyn R. Weiss, Esq.
Natural Resources Defense
Council
1735 Eye Street, N.W.
Suite 709
Washington, D.C. 20006

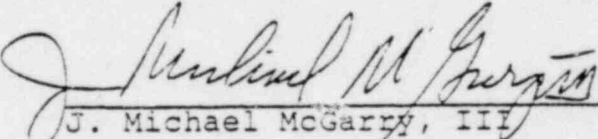
Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Edward G. Ketchen, Esq.
Counsel for NRC Regulatory
Staff
Office of the Executive Legal
Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Chairman
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

William L. Porter, Esq.
Associate General Counsel
Duke Power Company
Post Office Box 33189
Charlotte, North Carolina 28242

Chase R. Stephens
Docketing and Service
Section
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555


J. Michael McGarry, III