

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the Matter of )  
DUKE POWER COMPANY, ET AL. )  
(Catawba Nuclear Station, )  
Units 1 and 2) )

Docket Nos. 50-413  
50-414  
BRANCH

January 24, 1983

PALMETTO ALLIANCE STATEMENT OF  
POSITION ON ISSUES ACCEPTED  
FOR REVIEW

Palmetto Alliance, Intervenor below, respectfully urges the Commission to resolve both issues accepted for review, in its Order of December 23, 1982, by answering the questions posed in the affirmative.

We endorse the following conclusions reached by the Atomic Safety and Licensing Appeal Board in Duke Power Company, Et Al., (Catawba Nuclear Station, Units 1 and 2) ALAB-587 (August 19, 1982):

First,

.... a petitioner can scarcely be expected to forecast the content of documents that it has not examined and cannot examine because they have not yet surfaced. In short, in order to put forth a specific contention respecting, for example, the adequacy of an environmental impact statement or an emergency plan, one must have had the opportunity to examine the statement or plan. Indeed, without that opportunity, it is not possible for a petitioner even to determine whether there is warrant for a contention on the subject -- ie., whether the impact statement or emergency plan is open to a claim of insufficiency or some colorable ground.

Id., Slip op. at pp. 13-14.

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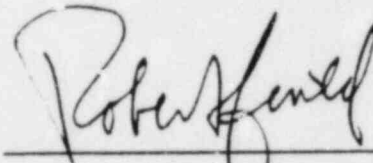
Second,

Where, however, the nonexistence or public unavailability of relevant documents made it impossible for a sufficiently specific contention to have been asserted at an earlier date, that factor (good cause, if any, for failure to file on time) must be deemed controlling; it is not amenable to being overridden by other factors such as that relating to the broadening of the issues. As scarcely requires further extended discussion, any different result would countenance placing the petitioner in a classic "catch-22" situation -- which, once again, the statute forbids and our regulations cannot be thought to have authorized.

Id., Slip op. at pp. 17-18.

Pursuant to 10CFR Section 2.763 Palmetto Alliance requests an opportunity to be heard in oral arguments in support of its position on these issues.

January 24, 1983



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(Catawba Nuclear Station, ) 50-414  
Units 1 and 2) January 24, 1983

CERTIFICATE OF SERVICE

I hereby certify that copies of PALMETTO ALLIANCE STATEMENT OF POSITION ON ISSUES ACCEPTED FOR REVIEW in the above captioned matters, have been served upon the following by depositing same in the United States mail, postage prepaid, on this 24th day of January, 1983.

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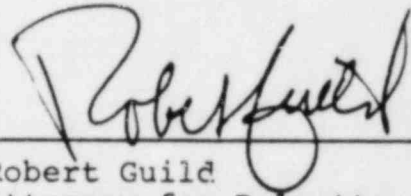
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A handwritten signature in cursive script, appearing to read "Robert Guild", is written over a horizontal line.

Robert Guild  
Attorney for Palmetto Alliance

DONE This 24th day  
of January, 1983.