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February 14, 1983
SERVICE
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Mr. Samuel J. Chilk
Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

RE: In the Matter of DUKE POWER COMPANY,
et al. (Catawba Nuclear Station,
Units 1 and 2) Docket Nos. 50-413
and 50-414.

Dear Secretary Chilk:

On December 23, 1982, the Commission issued an order stating its intention to review sua sponte two issues raised by the decision of the Atomic Safety and Licensing Appeal Board in Duke Power Company, et al. (Catawba Nuclear Station, Units 1 and 2), ALAB-687, 16 NRC ____ (August 19, 1982). The Commission afforded the parties in the captioned proceeding 30 days from the date of the order in which to file briefs setting forth their position on these two issues, and 50 days from the date of the order in which to file reply briefs, if any. 1/ After reviewing the initial briefs filed by the NRC Staff and intervenor Palmetto Alliance, Duke Power Company, et al. (Applicants) have decided not to file a reply brief. Applicants' position on the issues in question is satisfactorily presented in its initial brief.

Applicants would note, however, that they oppose the request for oral argument set forth in Palmetto Alliance's initial brief, 2/ in that the intervenor's one and a half

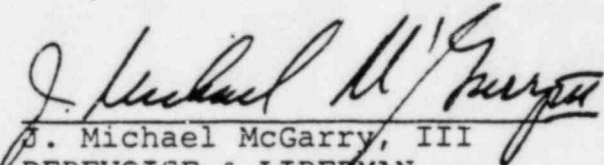
1/ This submittal is not a reply brief, which pursuant to the Commission's order should have been filed by Friday, February 11, 1983. Applicants anticipated filing this letter this past Friday, but were prevented from doing so by extremely inclement weather.

2/ "Palmetto Alliance Statement of Position on Issues Accepted for Review," January 24, 1983, at p. 2.

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page submittal fails to set forth with sufficient clarity or completeness the information and argument required to support Palmetto Alliance's position on these two issues. A brief which fails to provide meaningful argument is of little value in appellate review. 3/ The Commission should not countenance this deficiency by allowing Palmetto Alliance the opportunity to cure it through oral argument.

Respectfully submitted,


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cc: Service List

3/ Public Service Electric and Gas Company, et al. (Salem Nuclear Generating Station, Unit 1), ALAB-650, 14 NRC 43, 50 (1981).