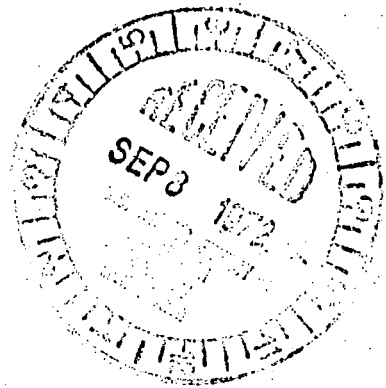


50-270

DUKE POWER COMPANY
POWER BUILDING, BOX 2178, CHARLOTTE, N. C. 28201

WILLIAM S. LEE
SENIOR VICE PRESIDENT,
ENGINEERING AND CONSTRUCTION



September 5, 1972

Mr Edward J Bloch
Deputy Director of Regulation
U S Atomic Energy Commission
Washington, D C 20545

Dear Mr Bloch:

In my letter of September 1, 1972, an error occurred in transcribing the first sentence of the last paragraph on Page 2. I advised you of this matter in a telegram of today's date.

To correct the matter, I have enclosed a new page 2 for that letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'W S Lee'.

W S Lee
Senior Vice President, Engineering and Construction

cc: John G Davis
Director
Directorate of Regulatory Operations
Atlanta, Georgia 30303

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It is, therefore, our belief that the information sought by Mr Belser relating to the radiological safety issues has already been provided and that the time for further production of information on such matters in this proceeding has passed. We believe these facts clearly demonstrate that there is no outstanding request by Mr Belser for any information under the Freedom of Information Act.

For these reasons we protest the regulatory staff proposal to provide the approximately 1200 pages of reports to the intervenor in this proceeding at this late date. Our objection is not based upon the contents of the reports, but upon the fact that the AEC's failure to act on the original request for over six months may seriously prejudice the applicant's rights in the McGuire proceeding. We also believe that furnishing this information exceeds the requirements of the Freedom of Information Act and the Commission's regulations. While it is unlikely that these reports will be of use to anyone in the McGuire proceeding, CESG can seek delays in the case while its representatives study the 1200 pages of reports on Oconee. Presumably, similar delays could be occasioned if the regulatory staff furnishes compliance reports on other cases.

We have in many documents filed in this proceeding shown the public need for the power to be produced from the McGuire units on schedule. Although the notice of hearing in this proceeding was issued over 14 months ago, regulatory delays have permitted only 4 days of hearing thus far.

For these reasons we believe that the AEC's furnishing these reports is unwarranted, may seriously prejudice the applicant by creating an additional, unnecessary delay in completing the hearing, and is contrary to the public interest.

Another problem results from the time requirement set forth for us to act in Mr Davis' letter. Only a single copy of some 1200 pages of reports involving several companies were furnished to the applicant one week ago. We are nevertheless requested to review all of this material, "identify specifically" any proprietary information, and the reason for such proprietary classification by September 6.

Our analysis of the reports demonstrates that the design and construction of the Oconee station has been carried out with meticulous attention to all safety matters and confirms the high quality of the work performed. The reports reflect the depth of review by the Directorate of Regulatory Operations which should also provide further assurance to the public as to the safety of the station.

If the Atomic Energy Commission does not agree to our objections concerning these reports as listed above, Duke Power Company will not request that any part be withheld pertaining to its operations. Nevertheless, various other companies are referred to in the reports which some of the reports themselves describe as involving proprietary information. We are contacting these companies to determine what, if any, information they now believe should be withheld pursuant to the AEC's regulations. However, it does not appear possible to complete this work by September 6 as requested in Region II Regulatory Operations letter.