

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

WILLIAM S. LEE  
SENIOR VICE PRESIDENT,  
ENGINEERING AND CONSTRUCTION

September 1, 1972

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

Dear Mr Bloch:

This refers to the letter dated August 25, 1972, to the Duke Power Company from Mr John Davis, Director, Region II, Directorate of Regulatory Operations. This is the same matter which our counsel, Troy B Conner, discussed with you, Howard Shapar and Kathleen Shea this week. Robert Dick of our company has also discussed the matter with C E Murphy of Region II.

The August 25 letter notified us that the AEC will make public reports of inspection and inquiries by Regulatory Operations personnel of our Oconee Nuclear Station pursuant to the Freedom of Information Act. We understand that your letter refers to the request made over six months ago by Mr Townsend M Belser, Jr., counsel for the Carolina Environmental Study Group (CESG) for use in the pending proceeding involving the McGuire Nuclear Station in a letter dated February 10, 1972. This letter also requests such information with respect to the Sequoyah and Trojan nuclear power stations.

As we have advised you, we believe that in the McGuire proceeding Mr Belser has been provided with all necessary information for use in this case and that there is no valid outstanding request. During the extensive prehearing procedures followed, Mr Belser was asked by the Board to consolidate his request for information, and he did so in a document entitled, "Supplemental Motion for Production of Documents by the Atomic Energy Commission" dated March 17, 1972. In this pleading he reserved his rights with respect to the previous motion dated February 11, 1972, but did not refer to the February 10 letter.

Mr Belser has made frequent requests for information in the proceeding, but has not pursued the request under the Freedom of Information Act. We believe that this request was in fact merged in his various requests for documents. The staff appeared to follow this approach in its July 31, 1972 letter transmitting "enforcement correspondence" to Mr Belser in referring to his supplemental motion for the production of documents rather than any request under the Freedom of Information Act.

Rec'd Off. Dir. of Reg.

Date 9/6/72

Time 10:30

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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 Mc Guire 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.

Duke Power Company does not object to these reports being made public and 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.

In this regard we will advise Region II Regulatory Operations of any proprietary information dealing with the Oconee site reports by September 6. As to shop inspection reports involving approximately 7 other companies who have provided various components and equipment for the plant, we will also provide a list of these reports and a list of the reports which have not been cleared for proprietary information by that date. We will clear these as soon thereafter as possible.

As a final matter, we think it is important that any document making public the inspection reports place them in proper perspective as a matter of public understanding. As any experienced person in the atomic energy field is aware, inspection reports are not written as public documents. They, contain much "shorthand" and the writer's unsupported opinions in many instances. By definition they list only matters which the inspector believes require attention. On the other hand, the reports do not always reflect when such matters have been resolved. Many of the items listed in the reports were called to the inspectors attention by applicant personnel and relate to matters which had already been corrected at that time.

We believe that these points should be made with respect to any inspection reports released.

As noted above we believe that knowledgeable persons will agree that these reports confirm the applicant's meticulous attention to safety matters in constructing the station. In general the reports deal with documentation and maintaining records rather than substantive problems. We believe that these facts should be reflected in any AEC document making public these reports, as well as the fact that although routine construction deficiency notices have been written, Region II Regulatory Operations has directed no letters whatsoever to Duke involving any violations or "safety items."

Sincerely yours,



W S Lee  
Senior Vice President, Engineering and Construction

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