

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSIONERS



In the Matter of

Docket 70-2623

DUKE POWER COMPANY

(Amendment of Materials License  
SNM-1773 for Oconee Nuclear Station  
Spent Fuel Transportation and  
Storage at McGuire Nuclear Station)

NATURAL RESOURCES DEFENSE COUNCIL RESPONSE  
TO COMMISSIONERS' REQUEST FOR INFORMATION

On September 12, 1979, prior to receipt of the Commissioners' request, we filed a limited response to the staff's original motion to the Commissioners. That document contains our answer to the first question—i.e., there is nothing to be gained by attempting to keep the routes secret in the hearing because they cannot be kept secret after the hearing.

We have examined the proposed protective agreement and it is not acceptable to us. To make it acceptable would require inclusion of the following principles:

1. Signing the protective agreement by Counsel in no way waives the objections of other persons employed by NRDC to signing such an agreement.
2. Counsel for NRDC will be deemed, prior to the signing of the protective agreement, to meet all the requirements under the Diablo Canyon case for access to the data for the purposes for which this protective agreement is signed as discussed in the succeeding paragraph.
3. The sole purpose for disclosure of the information under the protective agreement is to enable

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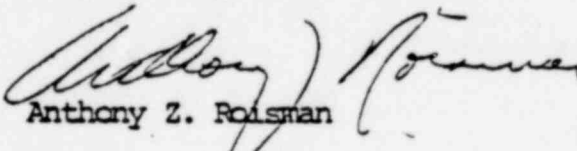
much of the route has already been publicly disclosed.

4. No party, nor the Commissioners, will address at any time the question of the merits of the sabotage protection, if any, provided by the routing by using data revealed solely under this protective agreement.
5. Upon the resolution by the Commissioners of the issue now presented to them—i.e., whether or not to issue a permanent protective order as sought by the staff—this protective agreement shall be void (except for the continued obligation to keep the data disclosed confidential); and any further discussion of the actual routes, if required to be under a protective agreement, would have to be under a new protective agreement.
6. Signing the protective agreement shall not inhibit the person signing it from discussing and disclosing any of the information received under the protective agreement if that person has obtained or does obtain the same data from any source without use of a protective agreement.
7. Any filings made by the parties and any meetings, hearings, etc., (including transcripts) in which the data disclosed under the protective agreement shall be discussed, shall be publicly disclosed, and shall be public, as appropriate, to the fullest extent possible.

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Finally, we believe Duke Power should answer the question of its proposed schedule for commencement and completion of spent fuel shipments from Oconee. Relevant to this question is how many additional shipments from Oconee to McGuire beyond the 300 now proposed the applicant intends to make or wishes to reserve the option to make.

Respectfully submitted,

  
Anthony Z. Roisman

Enclosures

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In The Matter Of

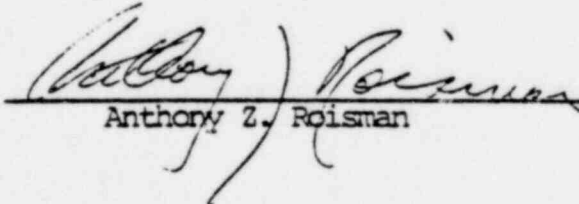
DUKE POWER COMPANY

(Amendment to Materials License  
SNM-1773 for Oconee Spent Fuel  
Transportation and Storage at  
McGuire Nuclear Station)

Docket No. 70-2623

CERTIFICATE OF SERVICE

This is to certify that on September 14 , 1979, one copy  
of the NRDC Response to Commissioners' Request for Information  
was hand delivered to the individuals designated by an asterick  
(\*) on the attached list and sent by U. S. Mail to the other  
individuals on the attached list.

  
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