

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

NRQ PUBLIC DOCUMENT ROOM



In The Matter Cf)
)
 DUKE POWER COMPANY) Dkt. No. 70-2623
)
 (Amendment to Operating License SNM-1773)
 for Oconee Spent Fuel Transportation and)
 Storage at McGuire Nuclear Station))

NATURAL RESOURCES DEFENSE COUNCIL
 STATEMENT OF DISPUTE WITH APPLICANT'S STATEMENT OF
 MATERIAL FACTS DATED MAY 21, 1979

1-4. These are conclusions of law which represent isolated statements which form a part of a comprehensive statement by the Commission. The entire statement speaks for itself.

5-8. The NRDC position on issues has been stated in several places. Applicant's statements to the extent they purport to be a comprehensive statement of our position are disputed. We prefer to frame our issues in our own papers.

9. The last phrase is not supported by facts, and we are not aware of who the Applicant believes expects a statement in the near term, or what near term means.

10. No objection.

11. No objection, although the relevance of what Applicant maintains is not apparent.

12. We are not aware of Applicant pursuing any alternatives for Oconee other than reracking of Oconee 1 and 2, if pursue means seek authority to accomplish.

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13. No objection.

14. The citation merely establishes that seven years ago the Staff considered the issue. To be accurate, the Applicant must demonstrate some decision was reached on the issue, and, to be relevant, the Applicant must demonstrate the conclusion is still valid.

15. No objection.

16. No objection.

17. The citation merely establishes that the Staff considered the issue.

18. No objection.

19. The citation merely establishes that seven years ago the Staff considered the issue. To be accurate, the Applicant must demonstrate some decision was reached on the issue, and, to be relevant, the Applicant must demonstrate the conclusion is still valid.

20. No objection.

21. "Present conditions" should include the reracking amendment and its effect.

22. No objection, but Applicant's statement in undisputed fact 10 and in the answer to NRDC interrogatory 15 is inconsistent with this conclusion.

23. Evidence from Applicant's documents indicates as little as 32 months could be sufficient to design, license and build an ISFSI.

24. Applicant's internal memos contradict this conclusion.

25-27. No objection.

28. See answer to 5-8, supra.

29. Whether NRDC makes an evidentiary case to prove a valid contention rather than relying on the failure of the applicant or Staff to carry their burden of proof is not relevant.

30. Some analyses have now been done of the items listed as disclosed by our affidavits. Also see response to 29, supra.

31. See response to 29, supra.

32. So long as this is merely a statement of Applicant's beliefs, we do not object. The word "submits" is ambiguous.

33. See response to 29 supra.

34. See response to 29, supra.

35. See response to 5-8, supra.

36. No objection.

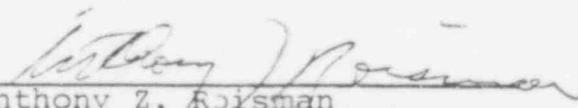
37. We disagree with the interpretation placed on the policy statement.

38. See responses to 5-8 and to 29, supra.

39. See response to 29, supra.

40. The document is a staff publication and not an approved Commission policy.

Respectfully submitted,


Anthony Z. Roisman
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Dated: June 15, 1979

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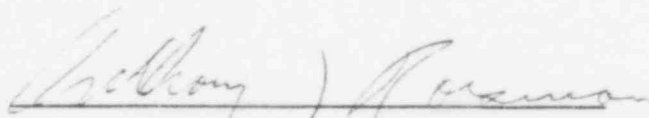
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CERTIFICATE OF SERVICE

I hereby certify that copies of NRDC OPPOSITION TO APPLICANT'S MOTION FOR SUMMARY DISPOSITION RESPECTING INTERVENOR NRDC and NRDC STATEMENT OF DISPUTE WITH APPLICANT'S STATEMENT OF MATERIAL FACTS DATED MAY 21, 1979 were mailed today, June 15, 1979, first class, postage prepaid, to the persons on the attached service list, except that Mr. McGarry sent a messenger to NRDC's office to pick up his copy.


Anthony Z. Reisman

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