

NRC PUBLIC DOCUMENT ROOM  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

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

Docket No. 70-2623

NRC STAFF MOTION TO CONDITION/DENIAL OF  
DEFENSE COUNCIL REQUEST FOR SUBPOENA TO  
ISSUE TO DR. WORTH BATEMAN, DEPUTY  
UNDERSECRETARY, DEPARTMENT OF ENERGY

On August 22, 1979, Natural Resources Defense Council requested the Atomic Safety and Licensing Board to issue a subpoena for Dr. Worth Bateman, Deputy Undersecretary, Department of Energy. Questions that NRDC seeks answers to from the Department of Energy through Dr. Bateman were included in the motion.

Based on conversations with Department of Energy Counsel, Staff Counsel is informed that Dr. Bateman will appear voluntarily as a witness in this proceeding if his appearance is requested by this Board. In addition, Dr. Bateman will prepare a written submittal in response to the questions set forth in the NRDC's motion<sup>1/</sup> and, of course, will be available for questioning at the hearing by the Board and parties. The Department of Energy has indicated that it will confirm these matters by a submittal to the Licensing Board.<sup>2/</sup>

<sup>1/</sup> A copy of the NRDC motion and attached draft subpoena have been transmitted to the Department of Energy.

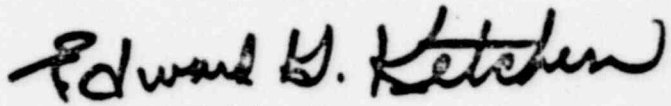
<sup>2/</sup> The position of the Department of Energy set forth herein is not intended to be construed as a concession by the Staff that the subpoena sought by NRDC was appropriate, absent Dr. Bateman's voluntary agreement to appear in this proceeding.

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Accordingly, pursuant to the provisions of 10 CFR 2.720(f), the NRC Staff moves the Board to deny the subpoena as requested by NRDC on the condition that Dr. Bateman appear voluntarily as a Board witness.

Respectfully submitted,



Edward G. Ketchen  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 30th day of August, 1979.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION TO CONDITION/DENIAL OF DEFENSE COUNCIL REQUEST FOR SUBPOENA TO ISSUE TO DR. WORTH BATEMAN, DEPUTY UNDERSECRETARY, DEPARTMENT OF ENERGY", dated August 30, 1979, in the above-captioned proceeding, have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 30th day of August, 1979:

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Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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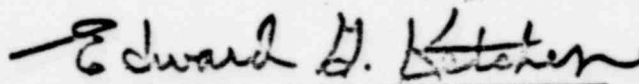
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