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September 14 1979

Hand Delivered

Leonard Bickwit, Jr., Esq.  
General Counsel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555



Re: Duke Power Company (Transportation of  
Spent Fuel from Oconee to McGuire) -  
Public Disclosure of Route Information,  
Docket No. 70-2623

Dear Mr. Bickwit:

In response to your letter of September 12, 1979, Applicant makes the following response.

The Applicant has not taken an active position concerning disclosure of route information. Duke Power Company made application for approval of storage of Oconee fuel at McGuire on March 9, 1978. We are now approaching the fifth week of hearings on the application. The hearings have been delayed twice because of discussions concerning disclosure of route information and it has been necessary to provide additional storage capacity because of the extended duration of the proceeding. Therefore, our major concern is that the Commission render a timely decision to enable the Applicant and parties to expeditiously complete the hearings in Docket No. 70-2623.

Applicant hesitates to comment on your first question concerning the ability of individuals to ascertain the identity of the routes, inasmuch as it calls into question the Commission regulation, 10 CFR Section 73.37. The Commission has previously provided interested persons with an opportunity to comment upon this regulation and Applicant, in conjunction with other utilities, submitted its views. Applicant would observe that the use of a number of undisclosed approved alternate routes which could be combined to present a larger number of possible combinations of routes should hinder the interception of the shipment by a party trained in terrorism or

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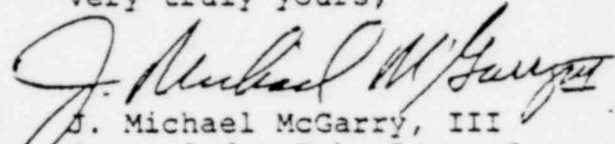
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sabotage activities. Certainly, the use of undisclosed alternates should hinder or prevent the interception of the shipment by a party interested in only delaying the shipment or creating an undesirable confrontation.

I have reviewed the attached protective agreement and the application has no comment or objections and is willing to sign such agreement.

At the time of filing for approval to store Ocone spent fuel at McGuire, Duke was planning to begin shipment in March, 1979. However, as previously indicated, the duration of the proceeding has required the installation of high density racks at a cost of \$3.5 to \$4.0 million dollars. Duke now proposes to ship upon receipt of approval of its application.

Very truly yours,

  
J. Michael McGarry, III  
Counsel for Duke Power Company

JMM:cw

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