

DUKE POWER COMPANY

LEGAL DEPARTMENT

P. O. Box 33189

CHARLOTTE, N. C. 28242

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December 31, 1979

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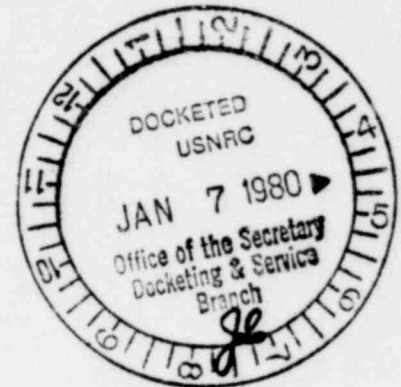
(704) 373-4825

WILLIAM LARRY PORTER
ASSOCIATE GENERAL COUNSEL

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Re: McGuire Nuclear Station
Amendment to SNML-1773
Docket Nos. 50-369 & 70-2623



Dear Mr. Secretary:

The following comments are intended to express our continuing concern over those regulations pertaining to the transportation of irradiated reactor fuel in transit which are primarily set forth in 10 CFR 73.37. I realize that the comment period has expired concerning these regulations; however, since the expiration date, we have experienced difficulties stemming from the regulations. In light of this fact, coupled with the fact that the final regulations have yet to be published, we would hope you would receive our comments and consider them in your deliberations. To facilitate matters, our basic comments are set forth in our letter of August 30, 1979 to Mr. William J. Dircks, Director, Office of Nuclear Material Safety and Safeguards, U. S. Nuclear Regulatory Commission. A copy of that letter is attached.

In addition to the attached comments, we would like to raise three additional points: (1) There are three categories of embargoed areas. We believe that this firm embargoing of an area creates problems for the transportation of spent fuel. There should be flexibility permitted beyond that set forth in the interim regulations which would allow the utilization of the embargoed areas set forth in Categories B and C if additional protection is provided. (2) We question the wisdom of having a Category C inasmuch as the populations are far removed from the Sandia 1927 New York

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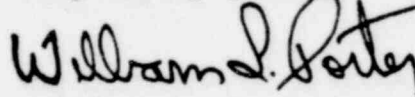
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Secretary of the Commission
December 31, 1979
Page 2

City scenario. Further, a great portion of major roadways traverse the cities listed therein, thereby limiting the use of such modern roadways which, interestingly enough, were built to facilitate safer and more expeditious transportation activities. (3) We take issue with the three mile barrier that is created around Category B and C cities and steadfastly maintain that provisions for additional protection and/or planned continuous movement are sufficient particularly for short haul distances. Three miles is an arbitrary barrier which further precludes the use of major roadways. Avoidance of congested and densely populated areas within city limits should suffice.

Very truly yours,

A handwritten signature in cursive script that reads "William L. Porter". The signature is written in dark ink and has a long, sweeping horizontal stroke extending to the right.

William L. Porter

WLP/fhb
Attachment

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