

8 005 090 040

DOCKET NUMBER
DEPT. NUCL. MAT. 70-2623

DUKE POWER COMPANY
LEGAL DEPARTMENT
P. O. Box ~~2178~~ 33189
CHARLOTTE, N. C. 28242

WILLIAM LARRY PORTER
ASSOCIATE GENERAL COUNSEL

(704) 373-4825

March 28, 1980



Commissioners
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

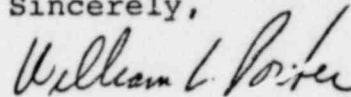
Dear Members of the Commission:

Pursuant to the Commission's March 24, 1980 Sunshine Act notice of public meetings (___ Fed. Reg. ___), the Commission announced the scheduling of a public meeting on Monday, March 31, to discuss amendments to the Commission's Interim Final Rule regarding Physical Protection of Irradiated Reactor Fuel in Transit. On March 9, 1978, Duke Power Company filed an application to transport irradiated reactor fuel from its Oconee Nuclear Station to its McGuire Nuclear Station. This application is still pending. Pursuant to the existing Interim Final Rule, Duke Power Company sought approval of various transportation routes for the shipment of the spent fuel. The primary route selected by Duke (I-85/I-77) was not approved by the NRC Staff despite the fact that it was the sole subject of its Environmental Impact Appraisal. Duke unsuccessfully sought reconsideration of the Staff's denial. The concluding phase of the evidentiary hearing being held in this matter is scheduled for April 28, 1980. Duke intends to challenge the Staff's denial of the primary route at this hearing. Pursuant to the Commission's regulations, prepared testimony supporting Duke's position must be filed by April 14. So as to provide the Board and parties additional time, Duke contemplates filing its testimony in early April. In the event the Commission adopts the amendments suggested by its Staff at its March 31 meeting, the possibility exists that the primary route could be approved. In such an event it would be unnecessary for Duke to pursue the matter further at the hearing. In an effort to avoid needless utilization of resources of the Applicant, Staff, Board and other parties, Duke would request expeditious consideration by the Commission of the Staff's proposed amendments. Such expedition is

Commissioners
March 28, 1980
Page 2

particularly warranted when one recognizes that Duke's transportation application to ship 300 spent fuel elements has been pending for over two years, six months of which resulted from the Commission's deliberations on confidentiality. Clearly, Duke is entitled to some measure of expedition.

Sincerely,



William L. Porter

cc: Marshall E. Miller, Esq.
Dr. Cadet H. Hand, Jr.
Dr. Emmeth A. Luebke
Mr. Jesse L. Riley
Edward G. Ketchen, Esq.
Richard P. Wilson, Esq.
David S. Fleischaker, Esq.
J. Michael McGarry, III., Esq.
Chairman, Atomic Safety and
Licensing Board Panel, NRC
Chairman, Atomic Safety and
Licensing Appeal Board, NRC
✓ Mr. Chase R. Stephens