

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD



In the Matter of)
)
DUKE POWER COMPANY) Docket No. 70-2623
(Amendment to Materials License)
SNM-1773 for Oconee Nuclear)
Station Spent Fuel Transportation)
and Storage at McGuire Nuclear)
Station))

MOTION FOR LEAVE TO FILE BRIEF
AMICUS CURIAE IN SUPPORT OF NRC
STAFF AND DUKE POWER COMPANY AND
REQUEST FOR EXPEDITED CONSIDERATION

Pursuant to 10 C.F.R. §2.715(d) of this Commission's regulations, the Electric Utility Companies' Nuclear Transportation Group ("the Group") hereby moves for leave to file a brief as amicus curiae in the above-captioned proceeding, in support of Appellants Duke Power Company and the NRC Staff. The Group is composed of 29 electric companies which are operating 44 reactors and are responsible for the planning, design, or construction of an additional 56 reactors. The Group plans to file its brief on behalf of a number of its member companies. In support of this Motion, the Group states the following:

The members of the Group have interests similar to those of Duke Power, and may face a need to transport spent fuel from their facilities. In addition, certain findings made by the Licensing Board with regard to transportation

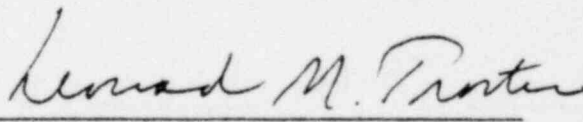
of spent fuel are erroneous, and the Group believes that it can provide an important contribution in clarifying these matters. Given the relevance of the Licensing Board's decision to matters affecting all utilities that now or in the future will transport spent fuel, the Group believes that it is important for the Appeal Board to receive the view of a broad spectrum of utilities on these matters.

The Group will support exceptions filed by both Duke Power Company and the NRC Staff. As such, in order to avoid duplication of effort and conserve resources, the Group proposes to file a single brief amicus curiae in support of both parties, on the date the NRC Staff brief is currently due, December 22, 1980.

For the foregoing reasons, the Electric Utility Companies' Nuclear Transportation Group respectfully requests that its Motion to file a brief amicus curiae on December 22, 1980 be granted. In light of the short time before briefs are due, the Group requests expedited consideration of this Motion.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

BY 
Leonard M. Trosten
Partner

1333 New Hampshire Ave., N.W.
Washington, D.C. 20036

Attorney for Electric Utility
Companies' Nuclear
Transportation Group

Dated: December 4, 1980