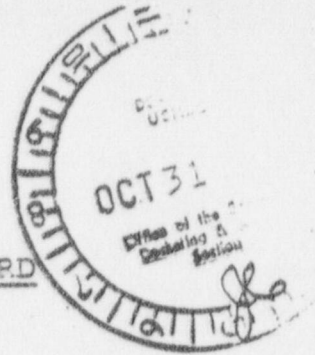


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

STIPULATION OF THE SAFE ENERGY ALLIANCE,
THE NUCLEAR REGULATORY COMMISSION
STAFF AND DUKE POWER COMPANY RELATING
TO THE ADMISSION OF CONTENTIONS

The Safe Energy Alliance ("SEA"), Duke Power Company ("Licensee"), and the Nuclear Regulatory Commission Staff ("NRC Staff"), subject to the approval of the Atomic Safety and Licensing Board ("Licensing Board") duly appointed in the captioned matter, stipulate to the contentions contained in this document, except where expressly limited or objected to by the signatories of this document. ^{1/} An appropriate notation is made where there is an express objection to a part or parts of the stipulation. Any contention or contentions which may have been asserted by SEA and which do not appear in this stipulation

1/ This stipulation pertains solely to an agreement reached with respect to contentions. By entering this stipulation, neither the NRC Staff nor the Licensee admit that SEA presently has standing as an Intervenor in this matter.

are to be considered abandoned and withdrawn by SEA. Substantive and procedural rights shall be governed by the rules and regulations of the Nuclear Regulatory Commission. By entering into this agreement, the NRC Staff does not agree that there is merit to any of the agreed contentions. Similarly, Licensee does not agree that there is merit to any of the agreed contentions and is entering into the stipulation solely for the purpose of expediting these proceedings.

Stipulated Contentions

SEA Contention No. 1

SEA contends that shipment of Oconee spent fuel to McGuire for storage is unacceptable as compared to other alternatives:

- (a) Modification of the existing Oconee spent fuel pools to provide additional storage capacity;
- (b) Construction of a new and separate spent fuel storage facility at the Oconee site;
- (c) Construction of a new and separate spent fuel storage facility away from the Oconee site, but other than McGuire.

SEA Contention No. 2

SEA contends that transportation of spent nuclear fuel from the Oconee Nuclear Station for storage at the McGuire Nuclear Station will create an unacceptable hazard by significantly

increasing the radiation doses to persons in the region near the proposed transportation routes between the two facilities. Specifically:

- (a) There will be an unacceptable incremental burden of radiation dose to persons living in the vicinity of the transportation routes.
- (b) There will be an unacceptable incremental burden of radiation dose to persons traveling over the transportation routes concurrently with spent fuel shipment.
- (c) There is likely to be an unacceptable incremental burden of radiation dose to persons in the vicinity due to an accident ^{2/} or delay in transit.


SEA Contention No. 3

SEA contends that factors set forth in items 1 and 2 above require the preparation of an Environmental Impact Statement because the proposed action is a major federal action of the

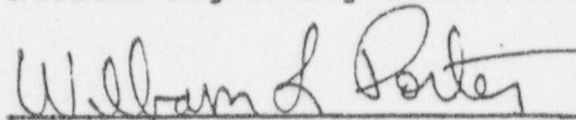
^{2/} SEA intends to raise the likelihood of a melting or breach of cask accident. Licensee and Staff do not stipulate to this aspect of the contention.

Commission significantly affecting the quality of the human environment.

Dated October 18, 1978


Safe Energy Alliance


Nuclear Regulatory Commission Staff


Duke Power Company