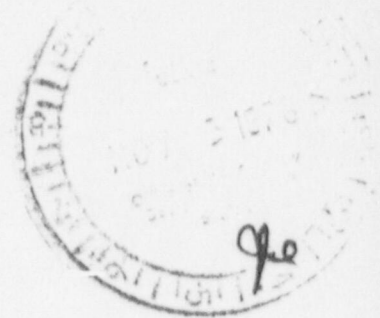


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

DUKE POWER COMPANY

(Amendment to Materials License  
SNM-1773 for Oconee Nuclear Station  
Spent Fuel Transportation and Storage  
at McGuire Nuclear Station)

Docket No. 70-2623

NOTICE OF HEARING ON AMENDMENT TO  
MATERIALS LICENSE SNM-1773 FOR OCONEE  
NUCLEAR STATION SPENT FUEL TRANSPORTATION  
AND STORAGE AT MCGUIRE NUCLEAR STATION

(November 2, 1978)

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection", Part 70, "Special Nuclear Material", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (the Board) to consider the application of Duke Power Company (the Applicant) for an amendment to Special Nuclear Material License No. SNM-1773 issued pursuant to 10 CFR Part 70 to authorize the receipt and storage of Oconee Nuclear Station spent fuel at the McGuire Nuclear Station.

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The hearing, which will be scheduled to begin in the vicinity of the site of the William B. McGuire Nuclear Station, will be conducted by an Atomic Safety and Licensing Board which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Dr. Emmeth A. Luebke and Dr. Cadet H. Hand, Jr., Members, and Robert M. Lazo, Esq., Chairman.

On July 28, 1978, the Nuclear Regulatory Commission published a notice that it is considering an application filed March 9, 1978, by Duke Power Company for amendment to Special Nuclear Material License No. SNM-1773. In its application for amendment to its license, Applicant seeks authorization for receipt, possession, inspection and storage of irradiated fuel from the Applicant's Oconee Nuclear Facility in Oconee County, South Carolina, at the Applicant's McGuire facility located in Mecklenburg County, North Carolina, including transport of the irradiated fuel by truck between the two sites. The notice was given general public distribution including the news media and was published in the Federal Register on July 28, 1978 (43 Fed. Reg. 32905).

The notice provided that any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene with respect to whether the proposed amendment to SNM-1773 should be issued.



Pursuant to the notice, a number of petitions for leave to intervene have been filed. Thereafter, a prehearing conference in this proceeding was held by this Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene (Intervention Board) in Charlotte, North Carolina, on October 24, 1978. All parties and petitioners were represented and participated in the conference during which the Intervention Board heard oral argument regarding the petitions for leave to intervene and the contentions which petitioners seek to have litigated in this proceeding. The Intervention Board's rulings are set forth in our "Order Following Prehearing Conference" issued on November 2, 1978.

The Order of the Intervention Board granted the petitions filed by Carolina Environmental Study Group (CESG), Safe Energy Alliance (SEA) and Carolina Action in Charlotte (Carolina Action). In addition, the State of South Carolina was admitted to participate as an interested State pursuant to the provisions of 10 CFR §2.715(c). Rulings on the petitions for leave to intervene filed by Natural Resources Defense Council, Inc., and by the Davidson College chapter of North Carolina Public Interest Research Group, were deferred pending receipt of further pleadings regarding those petitions.

A prehearing conference or conferences will be held by the Hearing Board, at a date and place to be set by it, to consider pertinent

matters in accordance with the Commission's Rules of Practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the Federal Register. The specific issues to be considered at the hearing will be determined by the Board.

For further details with respect to the matters under consideration, see the application for amendment dated March 9, 1978, and other documents and correspondence related thereto which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., and at the local Public Document Rooms at the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, N.C. 28202, and at the Oconee County Library, 201 South Spring Street, Walhalla, S.C. 29691.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene may request permission to make a limited appearance pursuant to the provisions of 10 CFR §2.715 of the Commission's Rules of Practice. Limited appearances will be permitted in this proceeding at the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United

States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than thirty (30) days from the date of publication of this notice in the Federal Register. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR §2.705 of the Commission's Rules of Practice, may be filed by the parties to this proceeding not later than twenty (20) days from the date of publication of this notice in the Federal Register.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D. C. 20555, ATTENTION: Docketing and Service Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

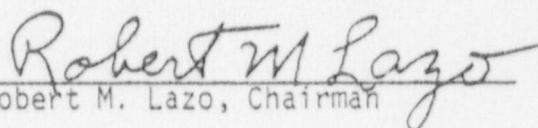
Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions



of 10 CFR §2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING  
BOARD DESIGNATED TO RULE ON  
PETITIONS FOR LEAVE TO INTERVENE

  
Robert M. Lazo, Chairman

Dated at Bethesda, Maryland,  
this 2nd day of November, 1978.