

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

AFFIDAVIT OF DONALD J. KASUN

I, Donald J. Kasun, am employed by the Nuclear Regulatory Commission in the Office of Nuclear Material Safety and Safeguards, Division of Safeguards, as Section Leader in the Physical Security Licensing Branch.

I have reviewed the transportation security plan proposed by Duke Power Company for the proposed spent fuel shipments from the Oconee Station to the McGuire Station. The security plan was described in correspondence and reports to the NRC Staff from Duke Power Company of July 13, July 30, August 3 and August 30, 1979. Further security details are contained in NRC Staff

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correspondence and reports to Duke Power Company of August 15 and August 25, 1979. Details concerning the methods used to immobilize the transport vehicle were obtained directly from the commercial carrier. The specific immobilization features for these shipments were approved by NRC Staff letter of November 21, 1979 to the Tri-State Motor Transit Company.

These documents specify the security measures to be applied to the Oconee to McGuire spent fuel shipments proposed in this proceeding. Specifically, these measures consist of procedures for advance modification of shipments, route approval, arrangements with law enforcement agencies along the route of shipments for their response to an emergency or a call for assistance, schedule of shipments where practicable to avoid intermediate stops except for refueling and obtaining provisions, provisions for surveillance of the transport vehicle at all stops, training of escorts, development of procedures for coping with threats and safeguards emergencies, provision of a radio telephone and CB radio or approved equal in either the transport or separate escort vehicle, and provisions for immobilization of the cab or cargo-carrying portion of the vehicle.

I have examined this material in detail and have determined that it contains information which identifies procedures for safeguarding licensed special nuclear material.

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I hereby certify that the above statements are true and correct to the best of my belief.

Donald J. Kasun  
Donald J. Kasun

Subscribed and sworn to me  
this 27<sup>th</sup> day of DECEMBER, 1979

Nathaniel C. Sides  
Notary Public

My Commission Expires: July 1, 1982.

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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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTIONS RELATIVE TO SECURITY ISSUES" dated December 27, 1979, (AND ATTACHMENTS A THROUGH C AND LETTER DATED MAY 21, 1979), in the above-captioned proceeding, have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 27th day of December, 1979.

\* Marshall E. Miller, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. Cadet H. Hand, Jr., Director  
Bodega Marine Laboratory  
University of California  
P.O. Box 247  
Bodega Bay, California 94923

\* Dr. Emmeth A. Luebke  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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- \* Atomic Safety Licensing Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555
- \* Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555
- \* Docketing and Service Section  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

David S. Fleischaker, Esq.  
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Suite 709  
Washington, D. C. 20006

A handwritten signature in black ink, reading "Edward G. Ketchen". The signature is written in a cursive style with a horizontal line underneath.

Edward G. Ketchen  
Counsel for NRC Staff

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6 — Natural Resources Defense Council, Inc.

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WASHINGTON, D.C. 20005

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May 21, 1979

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Bodega Bay, California 94923

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Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: DUKE POWER COMPANY (Oconee/McGuire Spent Fuel Trans-shipment) Dkt. No. 70-2623

Gentlemen:

Enclosed please find NRDC's Motion for Summary Disposition and supporting Memorandum, Statement of Facts, and Affidavits of Arthur R. Tamplin, Thomas B. Cochran, and Dimitri Rotow. Drs. Cochran and Tamplin were unable to sign their affidavits, being out of town when they were typed. We will send you signed copies as soon as they are signed. Also enclosed for your information is a Statement Regarding Safeguards for Spent Fuel Shipments by Thomas B. Cochran.

Sincerely,

*Anthony Z. Roisman /s/*  
Anthony Z. Roisman

enclosures  
cc(w/enc.): service list

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In The Matter Of

DUKE POWER COMPANY

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

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) Dkt. No. 70-2623  
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STATEMENT REGARDING SAFEGUARDS  
FOR SPENT FUEL SHIPMENTS

I met with three members of the NRC Staff, Mr. Robert F. Burnett, Director of Safeguards, Donald Kasun and Richard Hoefling, on May 17, 1979, in Mr. Burnett's office. The purpose of the meeting was to brief me on a proposed rule designed to protect spent fuel shipments against sabotage. The proposed rule is presented in an April 18, 1979, Memorandum to the Commission (Subj: Physical Protection of Irradiated Fuel Shipments). The NRC Staff will brief the Commission on this proposed rule May 21st. The Staff will ask that it take effect immediately, and last until contract work, designed to better understand the risks of sabotage, is completed in approximately one year. While I was not shown the April 18 document, I was told in general terms what were purported to be the key elements of the proposed rule, namely:

- a) Each shipment would require 2 escorts;
- b) Periodic radiotelephone communication with a central station is required;

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- c) Avoid intermediate stops where possible;
- d) Have a procedure for coping with threats;
- e) Must be able to immobilize the truck (if shipped by truck) for at least 30 minutes;
- f) Avoid, where possible, shipments through densely populated areas;
- g) If such areas cannot be avoided, then the shipment must be made non-stop in daylight under armed escort;
- h) The NRC Staff will review all shipping plans (routes and procedures) on a case-by-case basis.

Assuming the proposed rule detailed in the April 18, 1979, report identified above was accurately represented to me in the May 17 meeting, and assuming it contains the key elements noted above, I believe the safeguards of spent fuel shipments most likely will be adequate.

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Thomas B. Cochran, Ph.D.  
Staff Scientist  
Natural Resources Defense Council  
917 15th Street, N.W.  
Washington, D.C. 20005  
(202) 737-5000

Dated: May 18, 1979

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