UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

DUKE POWER COMPANY

(Amendment to Materials License SNM-1773 for Oconee Nuclear Station Septn Fuel Transportation and storage At McGuire Nuclear Station

Docket No. 70-2623

AFFIDAVIT OF JESSE L. RILEY

My name is Jesse L. Riley. I am a member of the Carolina Environmental Study Group and have participated throughout the Docket 50-369, 50-370 (McGuire) and 70-2623 (fuel transport) proceedings.

Mr. Brett Spitalny, referred to in an office of Investigation and Inforcement Summary of Inquiry, March 4, 1981, as "An NRC staff member" has, in fact, not been a staff member since May, 1980, and was not a staff member at the time subsequent to the Ward to O'Reilly memorandum of November 24, 1980, which initiated the subject inquiry and wherein he is referred to as a staff member.

Mr. Spitalny, during the closing days of the fuel transport hearing, was known to be leaving the NRC. Among others, I talked with him about his prospective employment in the meat industry. Mr. Spitalny attended the April 22, 1981 hearing before an Atomic Safety and Licensing Appeal Board. I talked with him at this time and was told that he was happy in his new occupation.

I acted as spokesman and representative for CESG during the Catawba licensing proceeding except for those times when CESG had retained counsel. I received, and continue to receive, mailings from the NRC related to Catawba. I did not receive any mailings in regard to the license amendment application to permit the enlargement of the Catawba fuel pool. My first awareness of this development was provided by testimony in the Oconee to McGuire fuel transport hearings.

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Jesse L. Riley

Subscribed to and sworn before me this day of Mila, 1981
Notary Public

My Commission Expires August 25, 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. 70-2023

AFFIRMATION OF SERVICE

I hereby affirm that copies of "CESG'S Response to Office of Inspection and Envorcement's Summary of Inquiry Regarding Duke Power Company Possible False Statement", dated May 5, 1981, were served on the following by deposit in the U.S. mail this 5th day of May, 1981:

Chairman Alan S. Rosenthal,
Administrative Judge
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. John H. Buck, Administrative Judge Atomic Safety and Licensing Appeal Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Richard S. Salzman, Administrative Judge Atomic Safety and Licensing Appeal Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

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

Secretary U.S. Nuclear Regulatory Commission ATTN: Chief, Docketing & Service Br. Washington, D.C. 20555

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Jesse

for CESG