

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.

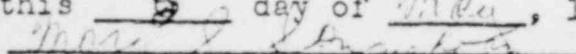
Mr. Spitalny, during the closing days of the fuel transport hearing, was known to be leaving the NRC. Among others, I talked with him about his prospective employment in the meat industry. Mr. Spitalny attended the April 22, 1981 hearing before an Atomic Safety and Licensing Appeal Board. I talked with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

I acted as spokesman and representative for CESC during the Catawba licensing proceeding except for those times when CESC 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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PDR ADOCK 07002623
G PDR


Jesse L. Riley

Subscribed to and sworn before me
this 5 day of July, 1981


Notary Public

My Commission Expires August 25, 1982

J. Michael McGarry, III, Esq.
Debevoise & Liberman
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

Stephen A. Sokolki, Esq.
NRO Staff Counsel
U.S. N.R.C.
Washington, D.C., 20555

Richard P. Wilson, Esq.
Assistant Attorney General
State of South Carolina
2600 Bull Street
Columbia, South Carolina 29201

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

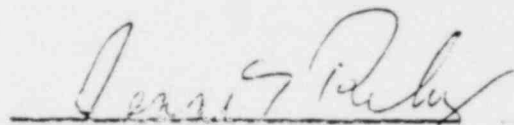
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

S. Jacob Scherr
Natural Resources Defense Council
1725 I Street, N.W.
Suite 600
Washington, D. C. 20006

Ellyn R. Weiss
Lee L. Bishop
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, D. C. 20006

Leonard M. Trosten, Esq.
M. Reamy Ancarrow, Esq.
Michael F. McBride, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Ave., N.W.
Suite 1100
Washington, D.C. 20036


Jesse L. Hiley
for CESH