

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

August 31, 1983

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Glenn O. Eright
Dr. James H. Carpenter
James L. Kelley, Chairman

In the Matter of

CAROLINA POWER AND LIGHT CO. et al.
(Shearon Harris Nuclear Power Plant,
Units 1 and 2)

Dockets 50-400 OL
50-401 OL

ASLBP No. 82-468-01
OL

Wells Eddleman's Response to Board 8-24-83
Order (pp 6-7) re Spent Fuel Security

In this order (received 8-29), the Board conditionally rejects Eddleman's Contention 24 unless I can give "some convincing explanation" why I hadn't proffered a security expert on spent fuel transport in a timely manner. The answer is, I have, already. John R Maples (see his deposition at 68) is qualified in the field of assessing threats and in security planning for sensitive nuclear shipments. In his resume (also submitted to the Board) he notes that the requirements for security of nuclear weapons shipments are tighter than those for spent nuclear fuel under 10 CFR 73.

In retaining Messrs. Bleacher and Stevens I also ascertained that they have experience re security planning for spent fuel shipments and threat assessment and "black hat" operations therefor.

In the 2-24-83 special prehearing conference, my attorney Greenblatt stated (p.510 of transcript) that proffers of expertise could be made in the depositions. Maples', at least, was (p.68, his deposition), re spent fuel.

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The reason we haven't raised this issue (other of the Joint Intervenors are concerned with spent fuel transport security and participated in discussions with the experts or had me do so for them), is that to my knowledge, Applicants have put forward no plan for security for spent fuel transport to Harris.

Indeed, Applicants attached an affidavit to their motion to have all spent fuel contentions dismissed, stating that they at present have no firm plans to ship spent fuel to Harris.

Meetings re Harris site security are announced; I see none re fuel. *Security for Shipments spent fuel.*
If Applicants have presented a spent fuel shipment security plan for shipments to Harris to the NRC, I haven't seen it in any of the voluminous filings they send to us; nor have I seen reference to such a plan in anything from NRC Staff. Routes for such shipments are not safeguards info, yet I've seen nothing filed on them.

If the plan in fact exists, the experts Joint Intervenors (including me) retained are available to review it, provided we can pay for the review. Counsel advised me to not raise the spent fuel issue 2-24-83 since it wasn't relevant until the Applicants put forward a plan for security of shipments of spent fuel to Harris.

Given that they have no plan to ship spent fuel there, I'd be surprised if they have a security plan. But if they do, we need to be apprised of it and set up a schedule for reviewing it. I have, as noted above, at least one expert (Maples) timely proffered to review security of such plan.

In view of the above, I respectfully request the Board to defer ruling on Eddleman 24 pending review by my expert(s) of any plan CP&L has for security of spent fuel shipments to Harris under 10 CFR 73. Since Eddleman 25 depends on a showing of a real threat to such shipments which cannot be established definitely until the security plan for them is reviewed, I ask that it also remain deferred pending such review.

Wells Eddleman
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