

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Docket Nos. 50-400-0L

DS07

The Staff and Applicants opposed admission of contention 24. "NRC Staff Response To Supplemental Statements of Contention By Petitioners To Intervene", dated June 22, 1982 at 26. "Applicants Response To Supplement To Petition To Intervene By Wells Eddleman" [hereinafter Applicants Response] dated June 15, 1982, at 71-73. In its Order dated September 22, 1982, the Licensing Board deferred ruling upon the admissibility of contention 24. Order dated September 22, 1982 at 44.

The Licensing Board's Order "Ruling on Spent Fuel Transportation Contentions" dated August 24, 1983 conditionally rejected contention 24 upon the basis that Mr. Eddleman did not proffer a security expert (Order dated August 24, 1983 at 6). By filing dated August 31, 1983 Mr. Eddleman asserted that his security plan expert, Mr. John R. Maples, is qualified to review irradiated fuel security plans and that the Board should defer ruling upon proffered contentions 24 and 25 until Mr. Maples has reviewed the plans. Eddleman's Response at 1. In a telephone conference among the Chairman, Staff, Applicants and Mr. Eddleman on September 22, 1983, the Chairman requested that the Staff and Applicants respond to Mr. Eddleman's August 31, 1983 filing cited above (Tr. 656).

III. DISCUSSION

Proffered Contention 24 should be denied for the reasons set forth in the Staff's and Applicants' filings in June 1982, i.e., no basis is provided by Mr. Eddleman in support of his contention. 10 C.F.R. § 73.37, which controls the shipment of irradiated fuel, does not require that an

applicant for, or a holder of, an operating license shall have a physical security plan for transportation of irradiated fuel, such as is required for plant security.

When Carolina Power and Light Company decides to ship irradiated fuel from Harris it will be required to comply with 10 C.F.R. § 73.37 as in effect then. This will require notification to NRC and other government agencies, the development of escort procedures, the determination of a usable route and other matters specified in 10 C.F.R. § 73.37. NUREG-0561 Physical Protection of Shipments of Irradiated Reactor Fuel, June 1980 sets forth the Staff's interpretation of what a licensee must do to comply with 10 C.F.R. § 73.37. Until such time as such shipment is planned no notification procedure, route designation or escort procedures are required.

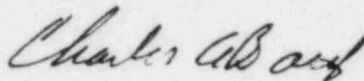
Such plans are not required as part of the reactor operating licensing process and contentions related to such plans should not be admitted. The availability of an intervenor expert to review such plans is irrelevant.

At the present time there are no NRC regulations calling for present plans for a speculative shipment of irradiated fuel from Robinson or Brunswick to Harris or from Harris to an offsite facility. The contention is without merit.

IV. CONCLUSION

Mr. Eddleman has provided no basis in fact to support his allegation of inadequacy. Contention 24 of Mr. Eddleman should remain rejected. There is no need to defer relying on this contention.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Charles A. Barth".

Charles A. Barth
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 29th day of September, 1983

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket Nos. 50-400-OL
50-401-OL

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO LICENSING BOARD INQUIRY REGARDING WELLS EDDLEMAN'S PROFFERED CONTENTION NUMBER 24" 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 Commissions internal mail system, this 29 day of September 1983.

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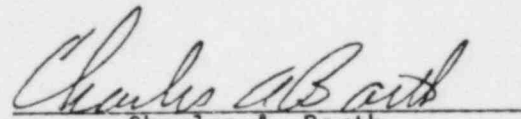
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Counsel for NRC Staff

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket Nos. 50-400-OL
50-401-OL

CERTIFICATE OF SERVICE

I hereby certify that a copy of "NRC STAFF RESPONSE TO INTERVENORS PROFFERED CONTENTIONS ON APPLICANTS' SECURITY PLAN" dated September 29, 1983 has been served according to paragraph 10 of the Licensing Board's Protective Order dated August 3, 1983 this 29th day of September, 1983.

James L. Kelley, Chairman*
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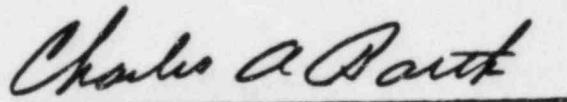
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