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MAR 2 1971

Docket No. 50-249

Commonwealth Edison Company
 ATTN: Mr. Byron Lee, Jr.
 Assistant to the President
 P. O. Box 767
 Chicago, Illinois 60690

Gentlemen:

Pursuant to a Commission Order, the Atomic Energy Commission has issued the enclosed Amendment No. 1 to Commonwealth Edison Company's Facility Operating License No. DPR-25. The license as previously issued authorized initial fuel loading and low-power startup testing of the Dresden Nuclear Power Station Unit 3 at power levels not in excess of one megawatt (thermal), and without the reactor vessel head in place.

Amendment No. 1 authorizes Commonwealth Edison Company to operate the Dresden Unit 3 reactor at steady state power levels not in excess of 2527 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications, as modified, except that Commonwealth Edison Company shall not operate the reactor at power levels in excess of five (5) megawatts (thermal) until satisfactory completion of modifications and final testing of the station output transformer, the auto-depressurization interlock, and the feedwater system, described in your telegrams dated February 26, 1971, have been verified in writing by the Commission.

I am enclosing one copy each of the Commission's Order and a related notice which has been forwarded to the Office of the Federal Register for filing and publication.

Sincerely yours,

Original Signed by
 Frank Schroeder

for
 Peter A. Morris, Director
 Division of Reactor Licensing
 bcc: H. J. McAlduff, ORO
 E. E. Hall, GMR
 E. B. Tremmel, IP
 R. Leith, OC
 J. A. Harris, PI
 S. Robinson, SECY J. R. Buchanan, ORNL

Enclosures:

1. Commission Order
2. Amend. No. 1 to Lic. DPR-25
3. Fed. Reg. Notice

cc:	Arthur C. Gehr, Esquire	DRL:BWR-2	DRL:R	OGC	DRL:DR
OFFICE ▶	Isham, Lincoln & Beale	RL Tedesco	RS Boyd	(P)	PAMorris
SURNAME ▶	Counselors at Law	DRL:BWR-2			
DATE ▶	HSteele:saj	3/2/71	3/2/71	2/4/71	3/2/71



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

COMMONWEALTH EDISON COMPANY

DOCKET NO. 50-249

AMENDMENT TO FACILITY OPERATING LICENSE

License No. DPR-25
Amendment No. 1

The Atomic Energy Commission (the Commission) having found that:

- a. There is reasonable assurance (i)(a) that the Dresden Nuclear Power Station Unit 3 (the facility) can be operated at steady state power levels not in excess of five (5) megawatts (thermal) in accordance with this license, as amended, without endangering the health and safety of the public, (i)(b) that upon satisfactory completion of the modifications and final testing of the station output transformer, the auto-depressurization interlock, and the feedwater system, as described in Commonwealth Edison Company's telegrams dated February 26, 1971, the facility can be operated at steady state power levels not in excess of 2527 megawatts (thermal), and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
- b. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
and
- c. Additional prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility Operating License No. DPR-25 issued to Commonwealth Edison Company (Commonwealth Edison) for operation of the Dresden Nuclear Power Station Unit 3 (the facility) is hereby amended by restating subparagraphs 3.A. and 3.B. in their entirety to read as follows:

3.A. Maximum Power Level

Commonwealth Edison is authorized to operate the facility at steady state power levels not in excess of 2527 megawatts (thermal), except that Commonwealth Edison shall not operate the facility at power levels in excess of five (5) megawatts (thermal) until satisfactory completion of modifications and

final testing of the station output transformer, the auto-depressurization interlock, and the feedwater system, as described in Commonwealth Edison's telegrams dated February 26, 1971, have been verified in writing by the Commission.

3.B. Technical Specifications

The Technical Specifications contained in Appendix A, as modified, are hereby incorporated into this license. Commonwealth Edison shall operate the facility at steady state power levels not in excess of those authorized under Condition 3.A. above, in accordance with the Technical Specifications applicable to such operation, and may make changes therein only when authorized by the Commission in accordance with the provisions of Section 50.59 of 10 CFR Part 50.

This amendment is effective as of the date of issuance.

FOR THE ATOMIC ENERGY COMMISSION


for Peter A. Morris, Director
Division of Reactor Licensing

Date of Issuance: MAR 2 1971

ATOMIC ENERGY COMMISSION

DOCKET NO. 50-249

COMMONWEALTH EDISON COMPANY

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

Notice is hereby given that, pursuant to an Order of the Atomic Energy Commission (the Commission), dated March 1, 1971, which noted the withdrawal of the joint petition for leave to intervene of David Dinsmore Comey and BPI Action Fund, Inc., and denied the amended petition for leave to intervene of Harriet Sherman, dated January 25, 1971; and upon finding that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, (the Act) and the Commission's regulations in 10 CFR Chapter 1, the Commission has issued, effective as of the date of issuance, Amendment No. 1 to Facility Operating License No. DPR-25 which was issued to Commonwealth Edison Company (the licensee) on January 12, 1971. The license authorized the licensee to possess, use, and, with specific restrictions, to operate the Dresden Nuclear Power Station Unit 3, a single cycle, forced circulation, boiling, light water reactor (the reactor), located on the licensee's site in Grundy County, Illinois. The license restricted the licensee to initial fuel loading, low power testing and operation of the reactor at one megawatt (thermal) without the reactor vessel head in place.

Amendment No. 1 authorizes the licensee to operate the reactor at steady state power levels not in excess of 2527 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications, as modified by Change No. 1 issued February 16, 1971; however, operation at power levels in excess of five megawatts (thermal) is subject to the satisfactory completion of modifications and final testing (as verified by the Commission in writing) of the station output transformer, the auto-depressurization interlock, and the feedwater system, as described in the licensee's telegrams dated February 26, 1971.

The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. Prior notice of the proposed issuance of a facility operating license for operation of the Dresden Nuclear Power Station Unit 3 at steady state power levels not in excess of 2527 megawatts (thermal) was published in the FEDERAL REGISTER on November 20, 1970, 35 F.R. 17876.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the amendment, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-22, the Act, and the Commission's regulations.

For further details with respect to this amendment, see (1) the withdrawal of the joint petition for leave of intervene of David Dinsmore Comey and BPI Action Fund, Inc., (2) the amended petition for leave to intervene of Harriet Sherman, dated January 25, 1971, (3) the Commission's Order dated March 1, 1971, (4) Change No. 1 to the Technical Specifications, dated February 16, 1971, and (5) Commonwealth Edison Company's telegrams dated February 26, 1971, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. Copies of the license amendment and Change No. 1 to the Technical Specifications may be obtained upon request addressed to the U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 2nd day of March, 1971.

FOR THE ATOMIC ENERGY COMMISSION

Frank Schwab Deputy

for Peter A. Morris, Director
Division of Reactor Licensing

for the facility and to conduct certain low power tests. We noted in that Order that a timely petition to intervene and for a hearing had been jointly filed by David D. Comey and BPI Action Fund, Inc.; and, further, that these petitioners had entered into a stipulation with the applicant agreeing to the latter's motion seeking authorization for initial fuel loading and low power testing. The referenced stipulation contained a reservation of any right of petitioners to a hearing on any other operation of this facility. In light of the foregoing, we granted the applicant's motion prior to completion of review of matters relating to the petitioners' request for leave to intervene and for a hearing.

On January 11, 1971, the regulatory staff brought to our attention for the first time a letter dated December 18, 1970, from Harriet Sherman stating that she wished to intervene in this matter. By an Order issued on January 11, 1971, we denied Harriet Sherman's letter request. We stated in that Order that this letter, if intended as a petition for leave to intervene, was deficient under our Rules of Practice in that, inter alia, it failed adequately to state how the writer's interest would be affected by the proposed licensing action and failed to state her contentions in reasonably specific detail (10 CFR §2.714). While denying the letter request, our Order did afford Harriet Sherman an additional fifteen (15) days from the date of the Order in which to perfect a petition to intervene. We further directed the Secretary of the Commission to inform the writer of our action and to forward to her a copy of the Commission's Rules of Practice.

On January 25, 1971, Harriet Sherman filed an expanded petition to intervene in this proceeding. The staff and the applicant have responded, opposing this petition on the grounds that it does not sufficiently indicate how petitioner's interest may be affected by the issuance of an operating license and does not set forth contentions relevant to this proceeding in reasonably specific detail. The Commission is also of the view that the petition is deficient under our Rules.

While we have serious reservations as to whether Harriet Sherman's very general statements of identity, residence and concern meet the requirement of our Rules for a statement as to how a petitioner's interest may be affected by Commission action, our main area of difficulty is with petitioner's contentions here. The petition sets forth and elaborates on five contentions, which we have summarized in the margin.^{1/} Our reading of this submission, however, leads us to agree with the staff that none of petitioner's contentions deal in "reasonably specific detail" with matters which are the subject of

^{1/} These contentions, in summary form, are as follows:

(1) that inadequate publicity concerning previous hearings prevented adequate protection to the "health and welfare of my fellow citizens"; (2) that the counties adjacent to Dresden Unit 3 are or will be major sources of food and animal feed for the Chicago market and other parts of the country and "the public which will purchase the meat and food products from these counties is entitled to an environment which does not contaminate the food before they receive it"; (3) that the applicant is controlled by alien interests, which is prohibited under the Atomic Energy Act; (4) that there is a "seeming appearance of collusion...between the AEC, the Commonwealth Edison Company, and the Businessmen for the Public Interest, Inc." with respect to the use of electrical power "as a weapon of control over the people"; and (5) that there has been insufficient study of the site and construction of Dresden Unit 3.

this proceeding; and contentions 1 and 4 relate to matters outside the scope of the proceeding. In view thereof, the petition does not meet the requirements of 10 CFR §2.714 and must be denied.^{2/}

As to the petition for leave to intervene and for a hearing filed by David D. Comey and BPI Action Fund, Inc., these petitioners, by letter dated February 17, 1971, have advised the Commission that they are withdrawing their earlier petition, that they no longer contest the issuance of a full power operating license and that they waive any rights to a public hearing thereon. Attached to the letter is an agreement between the applicant and the petitioners which, inter alia, describes certain agreed modifications to the Technical Specifications for the facility and states that these modifications have received regulatory staff approval. The staff, by a filing dated February 19, 1971, confirmed its approval of modifications to the Technical Specifications, as set forth in an attached letter to the applicant from the Director, Division of Reactor Licensing.

In light of our denial of Harriet Sherman's intervention request and of the withdrawal of the petition filed by David D. Comey and BPI Action Fund, Inc., we believe that the proper further course is the

^{2/} Petitioner's request that Commissioner Larson disqualify himself "inasmuch as he is President of the Nuclear Division, Union Carbide Co.," is misplaced. Dr. Larson resigned his position in that company prior to assumption of Commission office.

one recommended by staff and that the Director of Regulation should be authorized to proceed, upon making the requisite findings, with appropriate operating license action in this matter.

It is so ORDERED.



W. B. McCool
Secretary of the Commission

Dated March 1, 1971