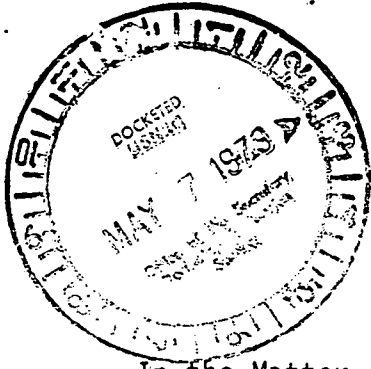


5/4/79



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

5/4/79

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

COMMONWEALTH EDISON COMPANY

(Dresden Station, Units 2 and 3, and
Quad Cities Station, Units 1 and 2)

)
)
)
)
)
)

Docket Nos. 50-237
50-249
50-254
50-265

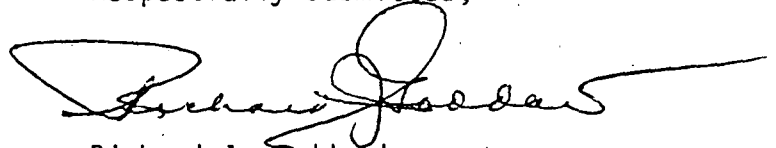
NRC STAFF MOTION FOR RECONSIDERATION
OF APRIL 19, 1979 MEMORANDUM AND ORDER
FOLLOWING SPECIAL PREHEARING CONFERENCE

Pursuant to 10 CFR §2.751a, the Nuclear Regulatory Commission Staff hereby files its objections to the "Memorandum and Order Following Special Prehearing Conference" entered by the Licensing Board on April 19, 1979. The Staff objects to the admission of Contention 6 as originally drafted.

While NRC Staff no longer opposes the admission of a security contention in the captioned proceeding, as stated by letter of April 6, 1979 (enclosed), the Staff maintains its position opposing the specified threats to irradiated fuel in transit set forth in Contention 6 as originally drafted, as exceeding the physical protection requirements of existing NRC Regulations. 10 CFR §73.55; 10 CFR, Part 71.

Accordingly, the Staff moves the Licensing Board to reconsider admission of Contention 6 as drafted, and to admit an appropriately worded contention for litigation, based upon NRDC's Contention 6 in the Oconee-McGuire proceeding,^{1/} Docket No. 70-2623, and State of Illinois Contention 11 in the captioned proceeding.

Respectfully submitted,



Richard J. Goddard
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 4th day of May, 1979.

^{1/} Contention 6: Shipment of spent fuel from Oconee to McGuire will be vulnerable to sabotage or other malevolent acts and this represents a serious risk.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. 50-237
(Dresden Station, Units 2 and 3, and)	50-249
Quad Cities Station, Units 1 and 2))	50-254
)	50-265

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR RECONSIDERATION OF APRIL 19, 1979 MEMORANDUM AND ORDER FOLLOWING SPECIAL PREHEARING CONFERENCE" 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 Commission's internal mail system, this 4th day of May, 1979.

Gary L. Milhollin, Esq.
1815 Jefferson Street
Madison, Wisconsin 53711

Mrs. Elizabeth B. Johnson
Union Carbide Corporation
Nuclear Division
P.O. Box X
Oak Ridge, Tennessee 37830

Dr. Quentin J. Stober
Fisheries Research Institute
University of Washington
Seattle, Washington 98195

Philip P. Steptoe, Esq.
Ishan, Lincoln and Beale
One First National Plaza
Chicago, Illinois 60603

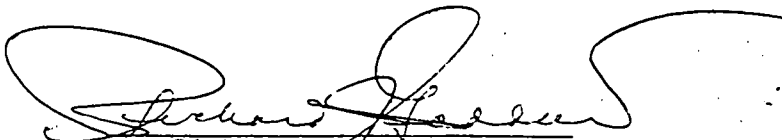
Anthony Z. Roisman, Esq.
Natural Resources Defense Council
917 15th Street, N.W.
Washington, D. C. 20005

Susan N. Sekuler, Esq.
Assistant Attorney General
Environmental Control Division
188 West Randolph Street, Suite 2315
Chicago, Illinois 60601

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

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

* Docketing and Service Section
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555


Richard J. Goddard
Counsel for NRC Staff



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

April 6, 1979

Gary L. Milhollin, Esq.
1815 Jefferson Street
Madison, Wisconsin 53711

Dr. Quentin J. Stober
Fisheries Research Institute
University of Washington
Seattle, Washington 98195

Mrs. Elizabeth B. Johnson
Union Carbide Corporation
Nuclear Division
P.O. Box X
Oak Ridge, Tennessee 37830

In the Matter of
Commonwealth Edison Company
(Dresden Station, Units 2 and 3, and
Quad Cities Station, Units 1 and 2)
Docket Nos. 50-237, 50-249, 50-254 & 50-265

Dear Members of the Board:

By letter of March 20, 1979, from counsel for NRDC and CBE, this Board was advised of an order of the Atomic Safety and Licensing Board in the Duke Power Co. matter (Shipment of Oconee Spent Fuel to McGuire Nuclear Station), Docket No. 70-2623, admitting a number of contentions similar to contentions at issue in this proceeding. One of the contentions admitted in that proceeding, contention number 6, related to the security of spent fuel in transit. Because that contention was not opposed by the NRC Staff, and because the NRC Staff is currently reviewing proposals for enhancing the safeguards applicable to spent fuel in transit, the Staff wishes to apprise this Board that it does not oppose the admission in this proceeding of a properly worded contention addressing the matter of sabotage. Specifically, the Staff would not oppose the admission of contention 6, if revised to conform with contention 6 as admitted in the Duke Power proceeding though the Staff adheres to its previously advanced legal arguments with respect to the contention as presently worded. Admission of such a contention would also, in the Staff's view, encompass the aspects of Revised Contention 11 of the State of Illinois, which are within the scope of matters to be heard in this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard J. Goddard".

Richard J. Goddard
Counsel for NRC Staff

cc: (See Page 2)

cc: Philip P. Steptoe, Esq.
Anthony Z. Roisman, Esq.
Susan N. Sekuler, Esq.
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Board Panel
Docketing and Service Section