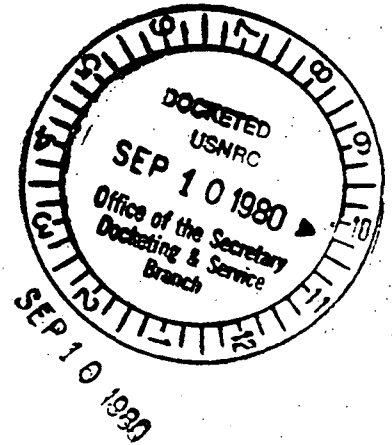


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
THE ATOMIC SAFETY AND LICENSING BOARD

John F. Wolf, Chairman
Dr. Linda W. Little
Dr. Forrest J. Remick

SERVED



In the Matter of)
COMMONWEALTH EDISON COMPANY) Docket Nos. 50-237-SP
(Dresden Station, Units 2 and 3)) 50-249-SP
) (Spent Fuel Pool
) Modification)

MEMORANDUM AND ORDER
(September 9, 1980)

Pursuant to a notice, published in the Federal Register (45 F.R. 50025), on July 28, 1980, a prehearing conference, regarding this matter, was held on August 19, 1980, in Room 2502, Everett Dirksen Federal Office Building, 219 South Dearborn Street, Chicago, Illinois 60204.

The acceptability of the State of Illinois' amended contentions was discussed pro and con by the parties, i.e., the Applicant, the regulatory Staff and Illinois as intervenor and interested state. The discussion led to an offer by the parties to confer since it appeared that the amended contentions would lend themselves to further clarification and specification.

Accordingly, on August 27, 1980 the State of Illinois on behalf of the applicant and the regulatory Staff made a report to this Board and enclosed the "Second Amended Contentions of the State of Illinois".

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The report stated inter alia that:

"As a result of the discussion and negotiations, the Applicant and Staff agree that Illinois Second Amended Contentions 2, 3, 4, 5(B), 6, 7 and 8 are acceptable as to language and are admissible in this proceeding."

It also stated:

"Applicant accepts the language of Contentions 1, 9 and 10, but does not consider them to be admissible. In particular, Applicant contends that Amended Contention 9 lacks basis. Applicant objects to the inclusion of the term "dedicated sippers" in Contention 5(A), but does not otherwise object to the admissibility of that contention."

"Staff accepts the language of Contentions 1 and 10 but does not consider them to be admissible. The Staff does not object to the language of Contention 5(A) or 9 and deems both to be admissible."

"The State of Illinois, Staff, and Applicant have agreed that a decision on the admission of Second Amended Contention 10 should be held in abeyance until October 1, 1980. During the interim, Applicant will make the security plan available to the State for inspection. If the State, after review of the security plan, finds that the plan is inadequate to assure protection against sabotage, as related to the spent fuel modification, the State shall have until October 1, 1980, to modify its security/sabotage contention. Should the State take no action by October 1, 1980, Second Amended Contention 10 shall be deemed withdrawn."

The Board finds that Contention 1 of the Second Amended Contentions of the State of Illinois is inadmissible since it lacks the necessary bases requirements of 10 CFR §2.714(b) as interpreted in applicable Commission case law.

Philadelphia Electric Company (Peach Bottom Atomic Power Station, Units 2 and 3). ALAB-216, 8 AEC 13, 20-21 (1974).

Specifically, the Staff, in its Environmental Impact Appraisal concludes that the proposed license amendments will not significantly affect the quality of the human environment.^{1/} No contention is made which is contrary to this conclusion of the Staff. In the absence of any significant effect on the human environment, this Board holds that it is not required by law to consider the alternative of shutting down Dresden Nuclear Power Station, Units 2 and 3. Portland General Electric Company (Trojan Nuclear Plant), ALAB-531, 9 NRC 263 (1979).

In finding that Contention 1 of the Second Amended Contentions of the State of Illinois is inadmissible, the Board is not limited to inquire into any serious environmental matter subsequently raised pursuant to 10 CFR §2.760a.

The Board does wish to have introduced into the record an updated report of the status of the unfilled spent fuel storage capacity at Units 2 and 3. Therefore, the Board directs the Applicant and the Staff to respond at the evidentiary hearing to the following Board question:

Board Question 1. The Applicant and the Staff are asked to address the following questions:

- A. What is the current status of the spent fuel unfilled storage capacity at Dresden Station Units 2 and 3?

^{1/} Environmental Impact Appraisal by the Office of Nuclear Reactor Regulation Relating to the Modification of the Spent Fuel Storage Pool, Dresden Nuclear Power Station, Unit Nos. 2 and 3, June 6, 1980, p. 9.

- B. When will full core discharge no longer be possible?
- C. When will normal refueling discharge no longer be possible?
- D. What alternatives, if any, exist to shutting down the Unit(s) when the spent fuel pool(s) is(are) filled to capacity?
- E. Which, if any, of these alternatives would require subsequent license amendments?

The joint request of the Applicant, the regulatory Staff, and the State of Illinois that a decision on the admission of the Second Amended Contention 10 should be held in abeyance until October 1, 1980 is granted under the conditions set forth in the last paragraph of the State of Illinois transmittal to the members of the Board dated August 27, 1980.

The Board finds that the Second Amended Contentions 2 through 9 of the State of Illinois are admissible under the requirements of 10 CFR §2.714 as interpreted by Commission's decisions cited above. As edited, renumbered, and admitted by the Board they are:

1. The Application gives no assurance that the radioactive waste treatment system for the spent fuel pools is adequate for the proposed increase in spent fuel storage capacity. (Am. Cont. C; 2nd Am. Cont. 2).

2. The Application does not show that the quality control and quality assurance programs of Applicant and its contractors are adequate to assure that tube and rack construction and the

boron-10 loading of the Boral in the tubes will meet specifications. (Cont. 26 and 27; Am. Cont. I; 2nd Am. Cont. 3).

3. The Application does not demonstrate that rack and tube packaging, transportation, and receipt inspections are adequate to prevent and detect transportation damage. (Cont. 26 and 27; Am. Cont. J; 2nd Am. Cont. 4).

4. Applicant has not provided adequate monitoring equipment in the spent fuel pool water to detect abnormal releases of radioactive materials from the increased numbers of spent fuel bundles. Absence of such monitoring and alarms could result in undue exposure to workers in excess of ALARA, specifically:

- A. There is no description of monitoring devices, and therefore, no assurance exists that workers in each pool area will have adequate warning of possible hazardous conditions.
- B. The Applicant should demonstrate that the radiation monitoring equipment has adequate range and sensitivity to indicate accurately the rates and magnitudes of radiation releases that could occur in the reracked pools. (Am. Cont. F; 2nd Am. Cont. 5).

5. There is no assurance that the health and safety of workers in the spent fuel pool areas will be adequately protected during rack removal and installation, in that;

- A. The Application does not supply adequate information to assess the occupational radiation dosage to workers involved in removing and installing racks and rearranging spent fuel in the pools, and to other workers who may be in the pool areas.
- B. There is no consideration of the occupational radiation hazards from accidents that may occur as a result of rack removal and installation, e.g., flooding of the pool area and water spraying on workers. (Cont. 24, 25; Am. Cont. G, H; 2nd Am. Cont. 6).

6. The Application inadequately addresses the increased consequences of accidents considered in the FSAR, SER, and FES associated with the operating license review of Dresden Units 2 and 3 due to the increased number of spent fuel assemblies and additional amounts of defective fuel to be stored in the spent fuel pool as a result of the modification. (Cont. 24(D); 2nd Am. Cont. 7).

7. The Application does not adequately assess the possibility of general corrosion and galvanic corrosion in the racks, in that:

- A. The life expectancy of the Boral tubes is unsubstantiated.
- B. Swelling of the Boral in the tubes and its effect on removal of fuel assemblies have not been analyzed.
- C. The corrosion surveillance program will not assure detection of corrosion in the racks because the samples to be inspected will not be representative of the actual tubes in the racks, because the sample environment will not represent pool conditions in and near the racks, and because the program does not require a dummy fuel test shortly before placement of fuel in each tube.
- D. There is no plan for steps to be taken should corrosion be discovered in the racks. (Am. Cont K; 2nd Am. Cont. 8).

8. The Applicant should develop criteria for the racks defining when their use to store fuel would be proscribed.

These criteria should be the acceptable amount of corrosion,
limits on dimensional changes and strength tolerance.

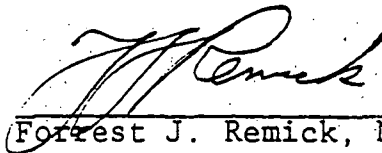
(Am. Cont. L; 2nd Am. Cont. 9).

IT IS SO ORDERED.

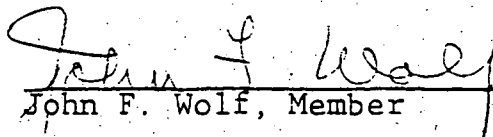
FOR THE ATOMIC SAFETY AND
LICENSING BOARD



Linda W. Little, Member



Forrest J. Remick, Member



John F. Wolf, Member

Dated at Bethesda, Maryland
this 9th day of September 1980.