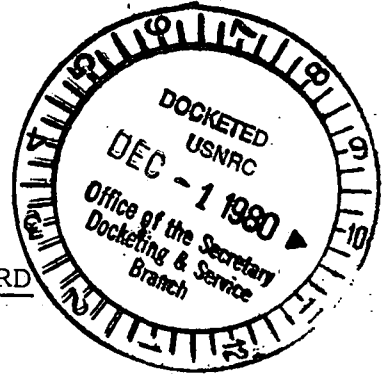


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter of)
)
COMMONWEALTH EDISON COMPANY)
Dresden Stations Units 2)
and 3 (Spent Fuel Pool)
Modification))

Dockets Nos.
50-237
50-249

26 Nov 80

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INTERVENOR FOR STATE OF ILLINOIS MOTION
FOR RECONSIDERATION, OR ALTERNATIVELY FOR
CERTIFICATION TO THE COMMISSION

Intervenor State of Illinois by its Attorney Tyrone C. Fahner, Attorney General of the State of Illinois hereby moves the Board for reconsideration of the question of whether Applicant's motion to continue certain portions of the hearing should have been granted, or in the alternative, to certify this issue to the Commission.

In the hearing held in the above captioned matter, the Board granted Applicant's motion to continue a portion of the hearing dealing with the issue of fuel channel assembly bowing. (Tr. p. 384)

By allowing such a continuance in the hearing the Board has affected substantially the right of Intervenor to prove its case and has severely prejudiced Intervenor's case.

Intervenor's case is premised on the fact that the Applicant, after 2 1/2 years of preparation and a previous experience under almost identical circumstances, could not sustain its burden to

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show that the application for modification of the spent fuel pool could be carried out so as to meet the requirements of health and safety dictated by the Atomic Energy Act and the regulations of this Commission. The fuel channel assembly bowing issue raises serious questions as to whether or not these bowed assemblies will even fit into the modified racks. Applicant should not be granted a continuance of the hearing in order to determine whether or not it will be feasible to use the modified racks for these bowed fuel channel assemblies.

Finally, under no circumstances should Applicant be allowed to file a memorandum or an affidavit with the Commission in answer to this newly raised issue of fuel channel assembly bowing without another public hearing.

The issue presents both major and novel questions of procedure and policy. 10 CFR §2785(d). The granting of the motion for continuance substantially affects and prejudices the interests of Intervenor State of Illinois.

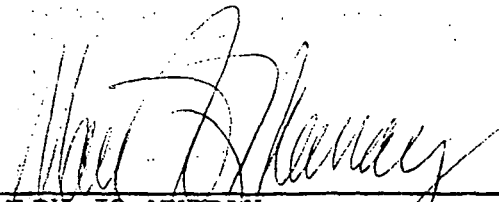
For the foregoing reasons, Intervenor, State of Illinois, moves this Board for reconsideration of its November 20, 1980 order granting a continuance of certain issues in the above-captioned proceeding, and alternatively for certification to the Commission of this question.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

TYRONE C. FAHNER
Attorney General
State of Illinois

By:


MARY JO MURRAY
Assistant Attorney General
Environmental Control Division
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601
(312) 793-2491

DATED: November 26, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING APPEAL BOARD

IN THE MATTER OF)
)
COMMONWEALTH EDISON CO.) DOCKET Nos. 50-237
Station, Units 1 & 2) 50-249
(Spent Fuel Modication Pool))

CERTIFICATION OF SERVICE

I, K.L. STANLEY, hereby certify the copies of the State of Illinois Motion for Reconsideration Certification to the Atomic Safety & Licensing Board in the above-captioned proceeding have been served by depositing in the United States mail, first class, this 26th day of November, 1980.

Philip P. Steptoe, Esq.
Isham, Lincoln & Beale
One First National Plaza
Chicago, Illinois 60690

Atomic Safety & Licensing Board
Panel
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Atomic Safety & Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Docketing & Service Section
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555


Dr. Forrest J. Remick
305 E. Hamilton Avenue
State College, PA 16801

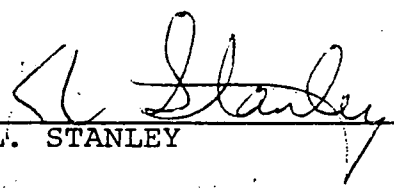
John Wolf, Chairman
Atomic Safety & Licensing Board
Panel
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Richard Goddard, Esq.
Office to the Executive Legal
Director, U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Dr. Linda W. Little
Member, Atomic Safety & Licensing
Board Panel
5000 Hermitage Drive
Raleigh, NC 27612

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 26TH DAY
OF NOVEMBER, 1980.


NOTARY PUBLIC


K.L. STANLEY