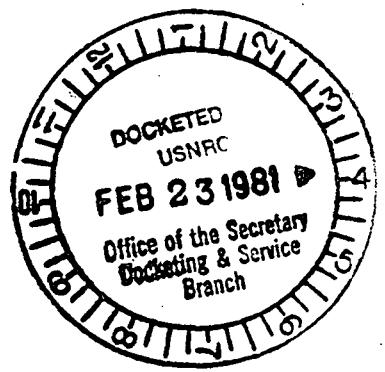
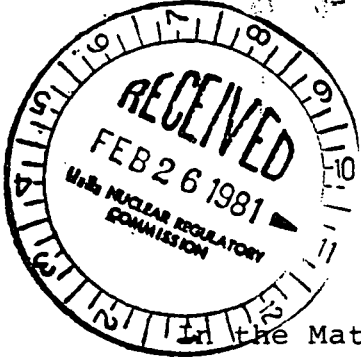


2/17/81



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

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

APPLICANT'S REPLY TO INTERVENOR'S
PROPOSED FINDINGS OF FACT

Pursant to 10 CFR §2.754(a)(3), Applicant submits the following reply to the Proposed Findings of Fact submitted by the State of Illinois ("Intervenor") on January 30, 1981.

Applicant opposes each and every finding proposed by Intervenor and urges the Board to reject all of them. The specific responses to individual findings set forth below are limited to those cases in which we believe additional comments from Applicant may be helpful to the Board.

<u>Intervenor's Finding No.</u>	<u>Applicant's Comment</u>
18, 19	Intervenor's statement that due to loss of RDC, Dresden Units 2 and 3 "could shut down as early as" February and September, 1986 seems to reflect a fundamental misunderstanding of the situation confronting Applicant. It would be more accurate to say that the units <u>must</u> shut down <u>no later than</u> 1986 due to loss of RDC

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Intervenor's
Finding No.

Applicant's Comment

(ignoring for the moment the effects of power coast-down and alternatives such as transshipment). Intervenor overlooks the fact that full core discharge capability has already been lost for each Dresden unit. The consequence of loss of full core discharge capability is that, in the event repairs or maintenance inside the reactor vessel requiring shutdown and discharge of the core become necessary (and this could happen at any time), the affected unit will have to stay shut down until FDC is re-established. Thus, Intervenor's proposed finding is misleading in that it fails to reflect the serious, immediate risk of prolonged shutdowns Applicant faces due to lack of adequate spent fuel storage capacity.^{1/}

21

Mr. Pickens estimated that transshipment of spent fuel from Dresden to Quad Cities would extend FCDC and RDC for approximately one year.^{2/} This estimate is to be preferred over

^{1/} Pickens, prepared testimony at pp. 4-5, following Tr. 94.

^{2/} Pickens, Tr. 182.

Intervenor's
Finding No.

Applicant's Comment

the three to four year estimate provided by Mr. O'Connor, which as Applicant's cross-examination showed, was based on a hypothetical transshipment among all of Applicant's reactors (i.e., Dresden, Quad Cities and Zion), and not based on the specific Dresden-Quad Cities transshipment application.^{3/}

22

Contrary to Intervenor's assertion that "No evidence was offered as to whether or not a change in (reprocessing) policy would obviate the need for increasing the storage capacity of the spent fuel pool (sic) at Dresden," Mr. Pickens addressed this subject in his prepared testimony and Mr. O'Connor was questioned on the subject by Applicant.^{4/} A more fair conclusion to be drawn from what Mr. Pickens and Mr. O'Connor had to say would be that reprocessing is too uncertain and remote a possibility to be a reasonable alternative to increasing spent fuel capacity at Dresden.

^{3/} O'Connor, prepared testimony at p. 5, following Tr. 117; Tr. 120-121.

^{4/} Pickens, prepared testimony at p. 7, following Tr. 94; O'Connor, Tr. 118-119.

Intervenor's
Finding No.

Applicant's Comment

24 & 25 It is not clear what Intervenor means by "interim storage." Intervenor may be suggesting that NFS at West Valley or Allied General Services at Barnwell might agree to accept spent fuel for a brief time to allow one of the Dresden units to discharge its core so that Applicant could effect repairs inside the reactor vessel. Upon completion of the repairs Applicant would be required to take the fuel back. Mr. Pickens testified that G.E. Morris might be willing to do this.^{5/} However, as Mr. Pickens also testified, this method of reestablishing full core discharge capacity is extremely slow and therefore is not a viable alternative to increasing spent fuel storage capacity on site.^{6/}

34 We repeat the comment we made at the hearings in November, that it is inappropriate for Intervenor to urge that this license application should be denied because inadequate consideration has been given to transshipment, while refusing to acknowledge its own intervention

^{5/} Pickens, Tr. 96-98.

^{6/} Pickens, Tr. 98-99.

Intervenor's
Finding No.

Applicant's Comment

in opposition to Applicant's transshipment proposal currently pending before another NRC Licensing Board.^{7/} We think there is a duty of consistency and candor which is being violated here. However, in view of the Board's ruling that Intervenor's position in other NRC licensing proceedings is irrelevant, we will not belabor the point.^{8/}

39 There are 59 tubes in a 9x13 rack and 50 tubes in a 9x11 rack. Intervenor's calculations with respect to the total numbers of tubes and plates in each pool are also wrong.

49 The second sentence of this paragraph confuses "reactivity worth" with " ΔK ". K_{eff} increases by .02588 for 7x7 GE fuel, and .02606 for 8x8 GE fuel, for one out of 16 plates missing. This paragraph, and Applicant's own findings in respect of criticality, should probably be supplemented to reflect the Kin Wong affidavit on Exxon fuel submitted to the Board on January 30, 1981.

^{7/} Tr. 99-104.

^{8/} Tr. 274.

Intervenor's
Finding No.

Applicant's Comment

51 Intervenor has apparently confused two different NNC neutron attenuation tests. The first NNC test is performed out of water to requalify individual completed tubes containing boral plates in cases where documentation has been lost and it is not practicable to use the University of Michigan reactor for this purpose.^{9/} The second NNC test is performed on the completed racks in the pools. as a final test to confirm the presence of boral plates in the tubes, not to reestablish quality assurance documentation for any specific tube.^{10/} Applicant's contracts provide that a minimum of 300 tubes will be checked in this latter test per visit to Dresden Station.^{11/}

Again, Intervenor's calculated total number of tubes to be placed in the pools - 5142 - is wrong. Presumably Intervenor thinks the total number of tubes influences the number which have to be tested to achieve a 95% confidence level that no more than 1 out of 32

^{9/} Pickens, prepared testimony at pp. 13-14, following Tr. 94; Tr. 219-223.

^{10/} Pickens, prepared testimony at p. 16, following Tr. 94; Tr. 210.

^{11/} Pickens, Tr. 228.

Intervenor's
Finding No.

Applicant's Comment

boral plates will be missing (see Intervenor's proposed finding 54), but there is nothing in the record which would support Intervenor's assertion that the number of tubes to be checked will be insufficient to achieve this goal.

69

Mr. Shewski reads all of Applicant's audit reports. He does not personally read the reports of audits performed by NSC, Leckenby, and Brooks & Perkins. Applicant's employees working for Mr. Shewski who do audits of NSC, Leckenby and Brooks & Perkins do read the NSC, Leckenby and Brooks & Perkins audits and would report deficiencies to him which were not getting taken care of in a timely fashion or which were very significant.^{12/}

70

Intervenor must mean no quality assurance witness from NSC was presented by Applicant. Mr. Gilcrest and Dr. Wong are from NSC.

^{12/} Shewski, Tr. 253-254; 245-247; 580-581.

Intervenor's
Finding No.

Applicant's Comment

- 80 Work on the design of the proposed racks began in August or September 1977.^{13/} Other stages of the work came later; for example, fabrication of the Dresden racks at Leckenby began April 10, 1980.^{14/}
- 84 Intervenor's suggested additional sentence about mandrel testing seems to address fuel channel bowing and therefore is premature and out of place in these proposed findings.
- 89, 93, 96 Intervenor seems to think Applicant has obligations: first, to guess which of hundreds of documents produced during discovery Intervenor might wish to introduce into evidence; and second, to have a witness available at the hearing to sponsor Intervenor's proposed exhibits. This, of course, is nonsense. Applicant's witnesses were identified in advance of the hearing; Intervenor could and should have anticipated hearsay problems with the presentation of its intended exhibits and arranged in advance for appropriate sponsoring witnesses, either through informal requests to Applicant and the Staff, or by subpoena.

^{13/} Pickens, Tr. 185.

^{14/} Shewski, Tr. 318.

Intervenor's
Finding No.

Applicant's Comment

92 Applicant believes this discussion of Intervenor's Exhibit 10 is extremely misleading since it omits mentioning that none of the deficiencies cited by the NRC in respect of Leckenby's operations related to Applicant's Dresden spent fuel racks.^{15/}

97 In light of the next-to-last sentence in this proposed finding we think it should be noted that the NRC Staff had witnesses from Region III present in the hearing room and available for testimony. Intervenor deliberately chose not to take up the Staff's offer.^{16/}

101 Mr. Shewski and Mr. Ragan testified that there are general storeroom procedures for storing the spent fuel racks, but these are not quality assurance procedures.^{17/}

^{15/} Intervenor's Ex. 10; Shewski, Tr. 332-337; Board Ex. 3; Tr. 715-716.

^{16/} Belke, Tr. 424, 428.

^{17/} Shewski, Tr. 578-580; Ragan Tr. 414-415.

Intervenor's
Finding No.

Applicant's Comment

104, 105, 106 Intervenor's suggestion that Applicant's witnesses lacked "specific direct knowledge and experience" in respect of the transportation contention and that their testimony was based on secondhand "information" is unsupported. In fact, Mr. Pickens repeatedly referred to his "personal involvement" in the transportation incident, and Mr. Shewski's testimony was likewise based on his "knowledge and personal experience."^{18/}

126 The assumption that all the fuel in the pool has identical leakage characteristics is not very realistic as the Board itself brought out.^{19/}

130 Intervenor's statement that "no witnesses were presented by Staff or Applicant who had the ability to testify or who were qualified to testify regarding this subject" (that is, possible increases in solid waste generation

^{18/} Intervenor's Ex. 10; Shewski, Tr. 332337; Board Ex. 3; Tr. 715-716.

^{19/} Malafeew, Tr. 538-541.

Intervenor's
Finding No.

Applicant's Comment

at Dresden Station) is puzzling. Mr. Adam is the person responsible for the operation of liquid and solid radwaste systems at Dresden. The cited portion of the transcript, Intervenor's voir dire of Mr. Adam, was directed towards a totally different subject, that is, his competence to testify as to cranes and emergency plan implementing procedures. And, of course, Intervenor's motion to strike portions of Mr. Adam's testimony based on that voir dire was denied by the Board.^{20/}

136

Reg. Guide 1.97 does not deal specifically with spent fuel pools. Applicant is committed to follow the reg guide, but it, of course, is not an "Act" as Intervenor states, or even a regulation.^{21/}

154, 159

These paragraphs relating to "systems interaction" should be struck in light of the Board's Memorandum and Order dated January 22, 1981. Of course, further findings

^{20/} Adam, prepared testimony at p. 1, following Tr. 550; Tr. 545-550.

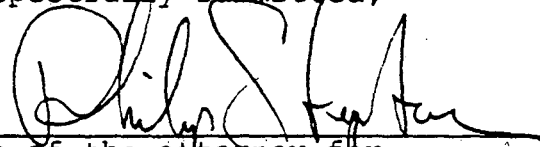
^{21/} Ragan, Tr. 628-629.

Intervenor's
Finding No.

Applicant's Comment

reflecting the testimony given in response to Board Question 2 will be appropriate following the hearings to be held in the future.

Respectfully submitted,



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DATED: February 17, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I, Philip P. Steptoe, one of the attorneys for Commonwealth Edison Company, certify that copies of "Applicant's Reply to Intervenor's Proposed Findings of Fact" have been served in the above-captioned matter on the following by depositing the same in the United States mail, first class postage prepaid, this 16th day of February, 1981:

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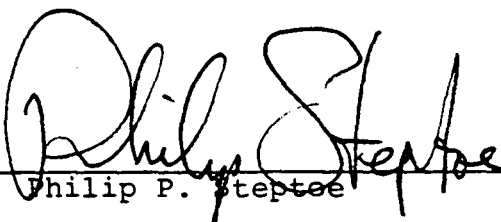
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DATED: February 16, 1981