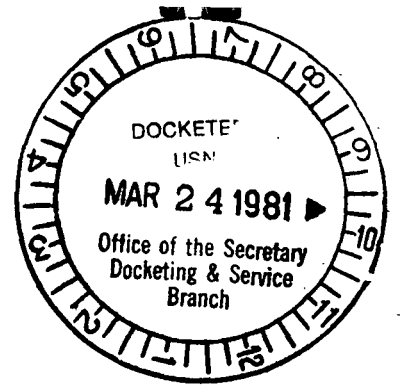
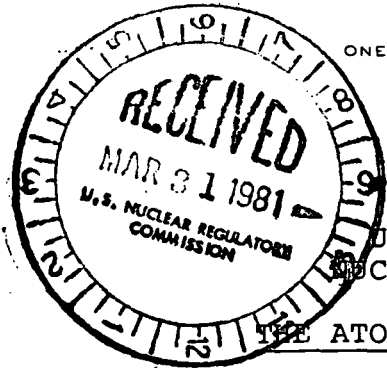


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March 18, 1981

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

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

Dear Administrative Judges:

Enclosed is the testimony of Robert F. Janecek in response to Board Question 2.

Applicant received at noon today a copy of "Intervenor's Determination of Generic Unresolved Safety Issues As Relevant to Spent Fuel Pool Modification" dated March 17, 1981. We have not had sufficient time to respond to their submittal, however, a cursory reading reveals that Intervenor's affiant, Mr. Hubbard, and Applicant's witness, Mr. Janecek in most cases do not contradict one another. This is because most of Mr. Hubbard's statements are merely general descriptions of generic issues rather than specific assertions concerning relevance of the generic issues to the Dresden spent fuel racks. Moreover, even as to those issues which it suggests are relevant, Intervenor makes virtually no effort to answer the second part of Board Question 2; that is, what are the potential health and safety implications for the proposed spent fuel pool modification?

Applicant believes it is essential to recognize that this is not an opportunity for Intervenor to submit new contentions. The time for that has long since passed. The mere fact that Intervenor now suggests certain items are relevant "generic unresolved safety issues" within the meaning of Board Question 2 does not make those issues into new contentions which must be litigated in this proceeding.

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Nor should mere reference to a "generic issue" reopen matters which were addressed in testimony in this proceeding in November, absent some specific showing by Intervenor of how the potential health and safety implications of the generic issue call into question previous testimony and absent some further showing of why this issue could not have been raised in a timely fashion. At this late stage of this proceeding, it is the Licensing Board's Question which must be answered, not Intervenor's list of suggested issues.

With specific respect to Intervenor's suggested issues, "Task A-42, Pipe Cracks in Boiling Water Reactors," and "Item 68, Stress Corrosion Cracking in BWR Piping" (Hubbard Aff. at pp. 14, 21), Applicant reminds the Board that at the preliminary conference in this matter in August, 1979 in response to a question from Judge Remick, counsel for Intervenor disclaimed any intent to introduce stress corrosion cracking into this proceeding. Ms. Markey stated at that time,

"Because of the differences between the Zion and Dresden pools, we felt -- our expert felt that intergranular stress corrosion was not a possibility in the Dresden pool." (Tr 62).

Because neither Ms. Murray nor Mr. Hubbard was present at that prehearing conference, and because Mr. Hubbard's affidavit does not show him to be the "expert" referred to by Ms. Markey, we assume Intervenor did not mean to make this particular suggestion.

If the Board determines that any of the issues suggested by Intervenor are relevant, Applicant requests the opportunity to take Mr. Hubbard's deposition, and to cross-examine him on April 20-21, with respect to his assertions concerning those issues determined to be relevant.

Finally, in compliance with the tenets of full disclosure as articulated by the Appeal Board in Duke Power Company (William B. McGuire Station, Units 1 and 2), ALAB-143, 6 AFC 623, 625-26 (1973), Applicant would like to inform the Board of the following event. On Thursday, March 12, a contractor's employee working on repairs inside one of the Dresden reactors during a refueling outage received an exposure of about 21 rems. The exposure occurred as the employee was removing temporary shielding which was also used as a work platform. The exposure occurred due to reliance on an instrument which erroneously indicated that

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there was sufficient water in the reactor vessel beneath the temporary shielding to protect the workman. There was no fuel in the reactor at the time, but radiation fields were nevertheless high. The total duration of exposure was approximately 30 seconds. The workman fled when the area monitor on the wall above the reactor cavity sounded an alarm.

Applicant is informing the Board of this event, perhaps unnecessarily, because occupational exposure and ALARA at Dresden were issues examined in this proceeding. However, Applicant does not believe this incident calls into question any previous testimony. A similar event could not happen in connection with the proposed re-racking because, among other things, the radiation fields near the pools are far less than inside the reactor vessel, and because unlike the situation inside the reactor, the surface of the water which shields workmen from radiation is clearly visible at all times.

Applicant will provide a witness on April 20 to testify on this subject if the Board so requests.

Sincerely,



Philip P. Steptoe
One of the Attorneys for
Commonwealth Edison Company

PPS/kb

CC: Service List

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
) 50-249-SP
) (Spent Fuel Pool
(Dresden Station, Units 2 & 3)) Modification)

CERTIFICATE OF SERVICE

I, Philip P. Steptoe, one of the attorneys for Commonwealth Edison Company, certify that copies of the "Affidavit of Robert F. Janecek," with Attachments A, B and C, 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 18th day of March, 1981:

John F. Wolf, Esq.
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Chevy Chase, Maryland 20015

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Dr. Linda W. Little
5000 Hermitage Drive
Raleigh, North Carolina 27612

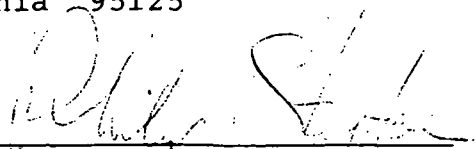
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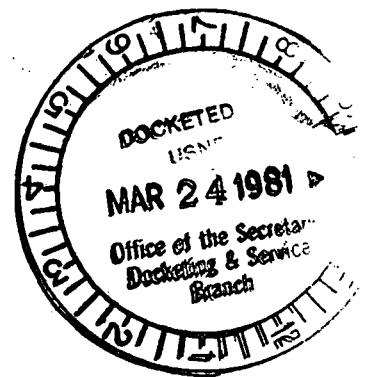
Atomic Safety and Licensing
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RELATED CORRESPONDENCE



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NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

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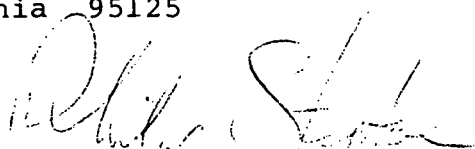
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