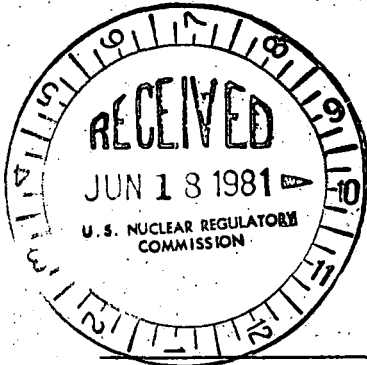
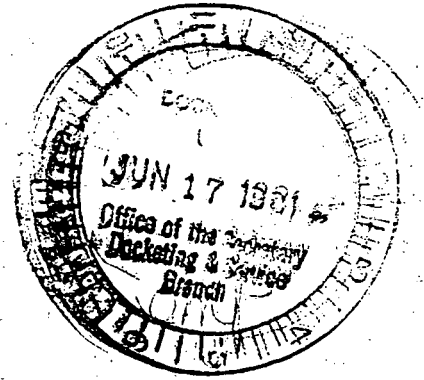


6/16/81

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



Before Administrative Judges:
John F. Wolf, Chairman
Dr. Linda W. Little
Dr. Forrest J. Remick



SERVED JUN 17 1981

In the Matter of:
COMMONWEALTH EDISON COMPANY
Dresden Station, Units 2 & 3

Docket Nos. 50-327-Sp
50-249-Sp

(Spent Fuel Pool Modification)

June 16, 1981

MEMORANDUM AND ORDER
(Corrections in transcript, ruling on motion,
and closing the record)

Typographical errors, mis-statements, and omissions in the transcript of the hearings in this matter have come to the attention of the Board. The corrections listed in Appendix A are adopted and made a part of the Record.

Through inadvertence, the written "Supplemental Testimony" of Millard L. Wohl (Tr. p. 673) and that of Harold K. Shaw (Tr. p. 972) were not bound in the transcript as ordered by the Board (Tr. p. 673).

The written testimonies of Dennis O'Boyle; James D. Gilcrest; Carl R. Mefford; Ronald M. Ragan; and Kin W. Wong on fuel channel bowing are inserted in that order in the transcript for April 21, 1981, following page 1,013.

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The transcript at pp. 926-927 shows that Intervenor's Counsel handed a witness a document and said that it had been marked as Intervenor's Exhibit 13 for identification. The document so marked was not offered nor received in evidence. However, it should be noted that other documents marked Intervenor's Exhibit 13(a) and 13(b) were offered and received in evidence (Tr. p. 627).

Intervenor's Exhibits marked for identification numbered 14 (Tr. pp. 744, 756), 15 (Tr. pp. 744, 756), 16 Tr. p. 759), and 19 (Tr. pp. 932, 933) were not offered nor admitted in evidence.

Intervenor's Exhibit 17 was admitted in evidence (Tr. p. 803).

Intervenor's Exhibit 18 was admitted in evidence (Tr. p. 862).

The following affidavits have been received since the hearings on April 20-21, 1981, in Chicago, Illinois:

1. Affidavit of Karl Kniel on Unresolved Safety Issues dated April 27, 1981.
2. Affidavit of Scott C. Pedigo dated May 4, 1981.
3. Affidavit of A. K. Singh dated May 5, 1981.
4. Affidavit of Robert F. Janecek dated May 6, 1981, correcting two alleged errors in earlier testimony.
5. Affidavit of Richard B. Hubbard, dated May 5, 1981.

On May 14, 1981, the Intervenor, State of Illinois, moved this Board to order the staff to address all unresolved generic safety issues including, but not limited to, all Category B tasks, ACRS

items, and TMI issues relevant to this licensing proceeding. Responses to this motion were received from Applicant on May 19, 1981, and from NRC Staff on June 3, 1981. Intervenor asserts that the affidavits of Richard B. Hubbard dated March 17, 1981, and May 5, 1981, set forth the nexus of these issues to the instant proceeding. Intervenor further points to the River Bend decision [6 NRC 760 (1977)] as its basis that this Board is required to consider these and all unresolved generic safety issues in the context of this proceeding.

On January 27, 1981, the Board asked Board Question 2 in this proceeding:

Based on a review and analysis of the various generic unresolved safety issues under continuing study, what relevance is there, if any, to the proposed spent fuel modification? Further, what is the potential health and safety implication of any relevant issues remaining unresolved?

After initial responses in the form of affidavits by Applicant, Intervenor and the NRC Staff, in a telephone conference call on April 1, 1981 the Board clarified Board Question 2 by defining "generic unresolved safety issues under continuing study" as those issues reported to Congress as "Unresolved Safety Issues" pursuant to Section 210 of the Energy Reorganization Act of 1974, and also reported in NUREG 0606 (the "Aqua Book") (so-called Category A items). The parties responded with a second round of affidavits addressing the relevance and safety significance of these "Unresolved Safety Issues." Based on these affidavits and the supporting information submitted by the parties, the Board finds that Board Question 2 has been adequately addressed by the Applicant and the Staff. Of the "Unresolved Safety Issues" only two, i.e., A-36: Control of Heavy Loads Near Spent Fuel and

A-40: Seismic Design Criteria, are relevant to the instant proceeding. The responses have satisfied the intent of Board Question No. 2.

However, the additional unresolved safety issues raised by Intervenor State of Illinois have been addressed only by the Applicant (R. Janecek, affidavit of March 18, 1981). Thus, Intervenor now seeks relief by moving this Board to compel the Staff to address these issues.

While the Board did not request affidavits on other than Category A items, it has nonetheless considered and evaluated the other unresolved safety issues set forth by Intervenor and addressed by the Applicant. Based on that review, the Board identified no unresolved safety items except the two already cited (supra) to be applicable to the instant proceeding. Consequently, the Board finds no reason to compel the Staff to undertake further review of the additional unresolved safety issues.

On the 16th day of June, 1981, it is

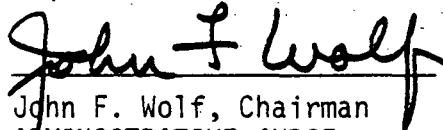
ORDERED

1. that attached Appendix A setting forth corrections in the Transcript is adopted and made a part of the record in this case;
2. that the Supplemental Testimony of Millard L. Wohl attached hereto as Appendix B is hereby made a part of the record;
3. that the Supplemental Testimony of Harold K. Shaw attached hereto as Appendix C is hereby made a part of the record in this case;

4. that the Intervenor's motion to order NRC Staff to address all unresolved safety issues is denied.

The record in this case is now closed.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


John F. Wolf, Chairman
ADMINISTRATIVE JUDGE

Issued and dated this
16th day of June 1981,
at Bethesda, Maryland.