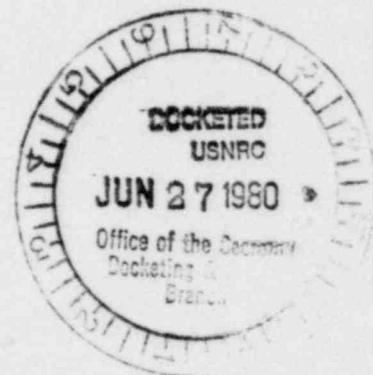


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Richard S. Salzman, Chairman
Dr. John H. Buck
Dr. W. Reed Johnson



In the Matter of _____)
COMMONWEALTH EDISON COMPANY _____)
(Zion Station, Units 1 and 2) _____)
_____)

Docket Nos. 50-295
50-304
(Proposed Amendment to Permit
Storage Pool Modification)

MEMORANDUM

June 26, 1980

In the hearing below, Illinois contended that certain commitments made by the applicant should be formalized as "technical specifications" and thus made part of applicant's license. The applicant and the staff objected to this requirement and the Board upheld their objection. Thereafter, the staff incorporated certain of those technical specifications in applicant's license, notwithstanding what it told the Licensing Board and the Board's agreement that it was unnecessary to do so.

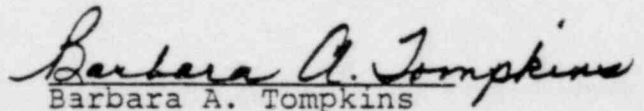
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The parties should be prepared to discuss the following at the oral argument on July 1st:

- (1) Whether the staff exceeded its authority in imposing the technical specifications in the circumstances described.
- (2) The justification that now exists for imposing the specifications that did not exist at the time of the hearing and decision below.
- (3) Whether the staff's imposition of the specifications in question is tantamount to a confession of error.
- (4) The standard used in deciding to impose the technical specifications and how it comports with the ruling in Trojan, ALAB-531, 9 NRC 263, 271-78 (1979).
- (5) The avenues of relief open to the applicant to have the technical specifications deleted.

FOR THE APPEAL BOARD


Barbara A. Tompkins
Secretary to the
Appeal Board