

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
James L. Kelley, Chairman
Dr. Peter A. Morris
Dr. Richard F. Foster

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In the Matter of
COMMONWEALTH EDISON COMPANY
(Quad Cities Station, Units 1
and 2)

Docket Nos. 50-254-OLA
50-265-OLA

(Spent Fuel Pool Modification)

May 25, 1982

ORDER

By our Order dated March 24, 1982, the parties in this proceeding were instructed to complete settlement discussions and report their results to the Atomic Safety and Licensing Board ("Licensing Board") no later than April 20, 1982. The date for completing settlement discussions was subsequently extended from April 20 to April 23, 1982. On April 23, 1982, the Licensing Board participated in a conference call with the representatives of Commonwealth Edison Company ("Applicant"), the Nuclear Regulatory Commission Staff ("NRC Staff"), and Quad Cities Alliance for Safe Energy and Survival and Citizens for Safe Energy ("Intervenors"). The results of the settlement discussions were reported to the Licensing Board at this time.

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There are currently four contentions remaining at issue in this proceeding: Contention 5 (occupational exposure), Contention 6 (bowed fuel rods and fuel channels), Contention 8 (quality assurance), and Contention 9 (structural qualification of proposed racks for Safe Shutdown and Operating Basis Earthquakes). Intervenors verbally requested leave to withdraw Contention 9 prior to the April 23, 1982 conference call. In addition, the Licensing Board had deferred ruling on Contention 2 (alternatives) in our Order of October 27, 1981 until the NRC Staff's Environmental Impact Appraisal was available. The NRC Staff's Safety Evaluation ("SE") and Environmental Impact Appraisal ("EIA") were issued April 9, 1982. No comments on the SE and EIA were received from Intervenors.

During the course of the April 23, 1982 conference call, Intervenors requested leave to: (1) withdraw all contentions remaining at issue in this proceeding, including proposed Contention 2; and (2) withdraw their original requests for hearing. At the conclusion of the conference call, the Licensing Board asked the NRC Staff to supply the technical information it had provided the Intervenors during the settlement discussions which had led to Intervenors' requests for withdrawal. The Licensing Board also requested Applicant to supply the procedures drafted in response to Contention 8, which will be used during the reracking operation. This information has been received from the NRC Staff and Applicant, and has been reviewed by the Licensing Board.

By letter dated May 11, 1982 to the Board, the Intervenors have expressed their assent to this Order and confirmed their desire to withdraw their contentions and requests for hearing.

On the basis of the April 23, 1982 telephone conference discussion, the NRC Staff's technical submittals, Applicant's draft reracking procedures, the SE and EIA, the Intervenors' letter of May 11, 1982, and the present posture of the case, the Licensing Board orders:

1. The contentions remaining at issue in this proceeding, Contentions 5, 6, 8 and 9, and proposed Contention 2, are withdrawn.
2. The Intervenors' requests for hearing are withdrawn.
3. This proceeding involving Commonwealth Edison Company's and Iowa-Illinois Gas and Electric Company's request to amend the operating licenses for the Quad Cities Station, Units 1 and 2, in order to increase these units' spent fuel pools' storage capacity, dated March 26, 1981, is hereby terminated.
4. In deciding to grant Intervenors' requests to withdraw and in making our decision to terminate this proceeding, the Licensing Board has relied on Applicant's commitment to submit the final approved procedures which will govern the reracking operation to the NRC Senior Resident Inspector at the Quad Cities Station prior to commencement of the reracking operation.
5. Wherefore, it is ORDERED, in accordance with the Atomic Energy Act, as amended and the regulations of the Nuclear Regulatory Commission, that the Director of Nuclear Reactor Regulation is authorized to make appropriate findings in accordance with the

Commission's regulations and to issue the appropriate license amendments authorizing the requested replacement of spent fuel storage racks at the Quad Cities Station.

6. This Order is effective immediately.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND LICENSING
BOARD

James L. Kelley
James L. Kelley, Chairman
ADMINISTRATIVE JUDGE

Peter A. Morris by jek
Dr. Peter A. Morris
ADMINISTRATIVE JUDGE

Richard F. Foster by jek
Dr. Richard F. Foster
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland,
this 25th day of May, 1982.