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Honorable Sheldon J. Wolfe
Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 10555

DOCKET NUMBER 50-338 OLA-2
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Dear Judge Wolfe:

I have been authorized by CCLC and the NRC Staff to report to you as follows:

1. The parties request that, pursuant to § 2.749, the Board proceed to rule on the issue of the applicability of Table S-4 as posed in Consolidated Contention 1.
2. The parties request that the Board treat their respective previous submissions as being motions for partial summary disposition.
3. The parties agree that the motions for partial summary disposition do not raise any genuine issues of material fact. CCLC's agreement in this respect is based on the following: Vepco has provided CCLC with data indicating that there are presently 673 fuel assemblies stored in the Surry Power Station spent fuel pool with burnups less than 33,000 MWD/MTU. Vepco has represented to NRC by letter that if authorization is granted for the storage of Surry fuel at North Anna, Vepco will not ship any fuel to North Anna from Surry that has a burnup level in excess of 33,000 MWD/MTU. Vepco intends to abide by that commitment. The parties agree, however, that (a) Vepco's commitment in this respect is made in light of the existing limitation in 10 CFR § 51.52(a)(3), and (b) if that regulation is changed to authorize the use of Table S-4 in connection with shipments of fuel with burnups in excess of 33,000 MWD/MTU, then, subject to any applicable provisions

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of its operating licenses, Vepco shall be restricted by such higher level in selecting Surry fuel for shipment to North Anna.

Yours very truly,

Michael W. Maupin MKL

Michael W. Maupin

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cc: Secretary, U.S. Nuclear
Regulatory Commission
Dr. Jerry Kline
Dr. George A. Ferguson
Henry J. McGurran, Esq.
James B. Dougherty, Esq.
Atomic Safety and Licensing Board Panel
Atomic Safety and Licensing Appeal Board.