

APR 8 1978

Docket Nos. 50-266  
50-301  
50-305

Ms. Mary Lou Jacobi  
Chairman  
Lakeshore Citizens for  
Safe Energy  
932 North 5th Street  
Manitowoc, Wisconsin 54220

Dear Ms. Jacobi:

Your letter of March 14, 1978 to the Acting Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, has been referred to me for reply.

In your letter, you request that the Nuclear Regulatory Commission hold hearings on any proposal by the Licensees of the Kewaunee or Point Beach nuclear facilities to increase the spent fuel storage capability at those facilities.

The Nuclear Regulatory Commission's Rules of Practice, which are enclosed, provide a formal procedure for requesting a hearing and for public participation in proceedings by way of intervention. In the enclosed rules, Sections 2.714 and 2.715 of Part 2 set forth the requirements for requesting a hearing and for participating therein.

With respect to the Kewaunee facility, on November 14, 1977, Wisconsin Public Service Corporation submitted an application to the NRC requesting approval of spent fuel pool modifications to permit an increase of the spent fuel storage capability at the plant. A copy of this application, which the NRC is presently reviewing, was placed in the local public document room at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin. On December 30, 1977, a Notice of Proposed Issuance of Amendment to Facility Operating License was published in the Federal Register (42 Fed. Reg. 65,335). (copy enclosed). The Notice provided that a petition for intervention and a request for hearing had to be filed by January 30, 1978.

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The Commission's rules in 10 CFR §2.714 permit petitions to be filed after this date provided that such nontimely filings will not be entertained unless a substantial showing of good cause is made for failure to file on time, with particular reference to the four factors set out at 10 CFR §2.714(a), in addition to those factors set out in paragraph (d) of 10 CFR §2.714.

The NRC has just received an application by Wisconsin Electric Power Company for approval to increase the spent fuel storage capability at their Point Beach facility. A copy of this application will be placed in the local public document room at the University of Wisconsin - Stevens Point Library, Stevens Point, Wisconsin. An appropriate notice will be published in the Federal Register by the NRC on this proposal and a copy will be furnished to you.

The Generic Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel, NUREG 0404, (March 1978), which you mention in your letter of March 14, 1978, has now been issued. A copy is enclosed. You also asked the Commission to undertake a separate assessment of the safety of the Lakeshore area as a radioactive storage site. There are no plans to use this area for such purposes that we know of and we do not plan to make such an assessment. The use of spent fuel pools at either Kewaunee or Point Beach to store spent fuel on an interim basis during the operating life of these reactors is authorized under the licenses to operate each facility. As we have indicated, the health and safety aspects of proposed increases in the capacities of the spent fuel pool at each of these plants is being evaluated, as part of the review of the applications to allow these increases in capacity. Therefore, we see no need for the separate studies you suggest.

If we may provide further information, you may contact Messrs. Edward G. Ketchen (301-492-7268), with respect to the Point Beach facility, and Mr. Jeffrey F. Lawrence (301-492-7501), with respect to the Kewaunee facility.

Sincerely,

Original Signed by Thomas F. Engelhardt

Thomas F. Engelhardt  
Deputy Executive Legal Director

Enclosures:

1. Commission's Rules of Practice
2. 42 Fed. Reg. 65,335

3. NUREG 0404	0ELD	0ELD	0ELD	0ELD
4. 40 Fed. Reg. 22023	EKetchen/dkw	JLawrence	JScinto	TEngelhardt
	EReTs	JTourtellotte		
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