

August 3, 1982

Certified By

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Peter B. Bloch, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Oscar H. Paris
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
Consumers Power Company
(Big Rock Point Point
Docket No. 50-155
(Spent Fuel Pool Modification))

Dear Administrative Judges:

On July 6, 1982, Intervenor O'Neill moved the Atomic Safety and Licensing Board in the captioned proceeding to "formalize" a letter of agreement between Licensee Consumers Power Company and the NRC Staff which provides for modification of the spent fuel pool prior to use of a 60 ton fuel shipping cask.

By letter of July 19, 1982, Staff counsel stated that: "Subsequent to the presentation of evidence on this issue, Licensee notified the NRC Staff of the possible structural inadequacy of the semi-gantry crane to support a 24 ton fuel transfer cask during a credible seismic event." In fact, this prompt notification was not subsequent to the hearings; prompt notification had been made telephonically and by mailgram on May 19, 1982. Staff Counsel was misled by a stamped date "Served Jul 7 1982" on the mailgram, which may have been placed thereon by NRC's Docketing and Service Section. Staff counsel apologizes for any inconvenience caused thereby.

Counsel for Licensee has informed Staff counsel that this prompt notification was based upon Licensee's determination that a 24-hour prompt reportable event had occurred. Licensee subsequently reversed their decision in this regard. The notification had been based upon the possible failure of certain bolts in the crane and certain pins in the 24-ton cask. The bolts in the crane have been replaced, and there are presently no restrictions upon use of the crane. However, no modifications to the 24-ton cask have been made, and Licensee is presently precluded from using it. This cask is tagged to alert all persons of this prohibition.

As to the prohibition on use of the 60-ton cask, the NRC issued a Safety Evaluation several years ago indicating that modification of the pool (i.e., installation of a "crash pad") would be required prior to use of the 60-ton shipping cask. Licensee has acknowledged these requirements repeatedly, and has agreed not to use the 60-ton cask.

At this time, the Atomic Safety and Licensing Board has extended indefinitely the filing of findings on the issue of cask drop, pending its determination of whether the record should be reopened on this issue.

Accordingly, the Staff takes the position that this issue properly lies within the Board's jurisdiction to enter appropriate findings of fact and issue an Order consistent therewith upon closing of the record on this issue. The Staff considers further "formalization" of Licensee's agreement unnecessary at this time.

Sincerely,

Richard J. Goddard
Counsel for NRC Staff

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