

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Peter B. Bloch, Chairman
Dr. Oscar H. Paris
Mr. Frederick J. Shon

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In the Matter of
CONSUMERS POWER COMPANY
(Big Rock Point Plant)

Docket No. 50-155
(Spent Fuel Pool Amendment)

SERVED AUG 12 1982
August 12, 1982

MEMORANDUM AND ORDER
(Motion to Reopen Record Concerning Cask Drop)

On July 19, 1982 Christa-Maria, et al. (Christa-Maria) moved to reopen the record concerning the cask drop contention because they had discovered a relevant 24-hour prompt reportable Licensee Event Report (LER) sent by Consumers Power (applicant) to the Nuclear Regulatory Commission on May 19, 1982.

Applicant admits that the LER should have been served in this case but has filed affidavits stating that all the information about the LER was fully explained in the testimony of Mr. Charles R. Norman, filed on May 14, 1982. Consequently, applicant claims that this is not "new and significant information" that permits reopening the record. Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station), ALAB-124, 6 AEC 358 (1973); ALAB-138, 6 AEC 520 (1973); and ALAB-167, 6 AEC 1151 (1973)

Although the stringent Vermont Yankee standards do not apply to information that should have been filed in this case and that is not merely newly discovered matter, Christa-Maria has not demonstrated any prejudice whatsoever. Consequently, its motion shall be denied. The parties shall promptly inform the presiding officer of agreed dates for the simultaneous filing of findings and for the filing of replies on this issue. Should Christa-Maria's Findings show that it has suffered prejudice, a remedy for its specific problem may still be fashioned.

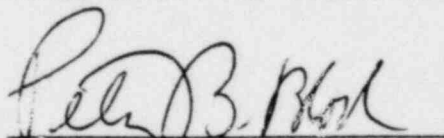
O R D E R

For all the foregoing reasons and based on consideration of the entire record in this matter, it is

ORDERED:

Christa-Maria et al.'s motion of July 19, 1982, requesting the reopening of the record concerning the cask drop contention, is denied.

FOR THE
ATOMIC SAFETY AND LICENSING BOARD


Peter B. Bloch, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

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