

ISHAM, LINCOLN & BEALE  
COUNSELORS AT LAW

1120 CONNECTICUT AVENUE, N.W. • SUITE 840  
WASHINGTON, D.C. 20036  
202 833-9730

EDWARD S. ISHAM: 1872-1902  
ROBERT T. LINCOLN: 1872-1889  
WILLIAM G. BEALE: 1885-1923

DOCKETED  
USNRC

CHICAGO OFFICE  
FIRST FLOOR PLAZA  
CHICAGO, ILLINOIS 60602  
TELEPHONE 312 558-7500  
TELEX: 2-5288

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

September 9, 1982

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

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

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

RE: In the Matter of Consumers Power Company  
(Big Rock Point Nuclear Power Plant), Docket  
No. 50-155-OLA (Spent Fuel Pool Modification)

Gentlemen:

The remotely activated makeup water system (hereinafter referred to as the "makeup line") was litigated during the June hearings as one genuine issue of fact under Christa-Maria Contention VIII and O'Neill Contention III E-2. In particular the intervenors contested the reliability of the makeup line. The makeup line had been installed by Consumers Power Company for, among other reasons, to address the assertions made under the foregoing contentions.

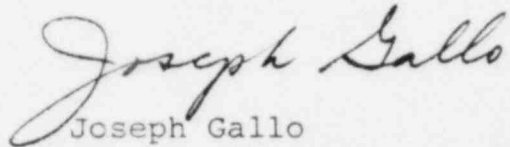
Consumers Power Company now intends to replace the installed one-inch makeup line with a new inch and one-quarter makeup line. Information concerning the reasons for this action will be furnished to the Board and the parties as soon as I receive it from my client. However, it is clear to me that this proposed action requires a reopening of the hearing record on what is now called genuine issue of fact (1) under the foregoing contentions. Accordingly, I request that the litigation of the issue be held in abeyance pending further developments.

8209130137 820909  
PDR ADOCK 05000155  
G PDR

DS03

Findings of fact and Conclusions of Law were filed by the parties on August 23, 1982. Reply findings will be due on Monday, September 13. These findings covered three of the admitted genuine issues of fact under the foregoing contentions. Genuine issue (1) dealt with the reliability of the makeup line. It is this issue that should be held in abeyance pending further development. Genuine issues (2) and (3) dealt with the spent fuel pool water level monitor and motor operated valves, respectively. The litigation process should continue with respect to these two issues.

Sincerely,



Joseph Gallo  
One of the attorneys for  
Consumers Power Company

cc: : Service List