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June 8, 1988

Thomas S. Moore, Chairman
Atomic Safety and Licensing
Appeal Board
Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Howard A. Wilber
Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Alan S. Rosenthal, Chairman
Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Re: In the Matter of Florida Power and Light
Company (St. Lucie Plant, Unit No. 1)
Docket No. 50-335-OLA (Spent Fuel Pool
Expansion)

Dear Members of the Appeal Board:

The purpose of this letter is to bring to the attention of the Board two matters pertinent to the instant appeal taken on May 9, 1988 from a Licensing Board Memorandum and Order, dated April 20, 1988. The effect of the Memorandum and Order below was to grant a Request for Hearing and Petition for Leave to Intervene ("Amended Petition") in an operating license amendment proceeding.

First, as admitted by the Memorandum and Order, Contention 2 (originally Amended Petition Contention 4) reads as follows:

That the consequences of a cask drop accident or an accident similar in nature and effect are greatly increased due to the presence of a large crane to be built inside the spent fuel building in order to facilitate the reracking.

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Members of the Appeal Board
June 8, 1988
Page Two

Memorandum and Order, Appendix A, p. 1. In admitting this contention, the Memorandum and Order provided, at page 15, that:

Licensee's response to the contention should also address the potential for cask transfer of Unit 1 fuel to Unit 2 in addressing construction crane accidents.

On May 17, 1988 Mr. Rosenthal was notified, by copy of a letter to the Licensing Board and in his capacity as Chairman of the Atomic Safety and Licensing Appeal Panel, of the issuance of Amendment No. 30 to Facility Operating License No. NPF-16 for the St. Lucie Plant, Unit No. 2. That amendment provided for the transfer of Unit No. 1 spent fuel from the Unit No. 1 spent fuel pool to the Unit No. 2 spent fuel pool up until the time that the Unit No. 1 pool was reracked.

Enclosed is a copy of a letter from Licensee, Florida Power & Light Company ("FPL") to the Nuclear Regulatory Commission (FPL Letter No. L-88-253). The purpose of the letter is to inform the NRC Staff: (1) that the reracking has been completed (including removal of the temporary construction crane); and (2) that -- as a result -- the provision of the St. Lucie 2 operating license added by Amendment No. 30, providing for transfer of St. Lucie 1 spent fuel to the St. Lucie 2 spent fuel pool, has expired by its own terms. The letter also notes that, during the period the inter-unit transfer portion of the amendment was in effect, no spent fuel was transferred.

The Licensing Board is being informed of the completion of reracking, the removal of the construction crane, the expiration of the inter-unit spent fuel transfer amendment to the Unit No. 2 license, and the fact that no transfer of spent fuel has occurred, by separate letter. In addition, the Licensing Board is also being sent a copy of this notification.

As for the second matter, the April 20th Memorandum and Order provided that a ruling on the admission of Amended Petition Contention 5 would be held in abeyance while the petitioner in the proceeding reviewed certain material provided by the NRC Staff. In particular, it stated:

The Board reserves judgment on this Contention pending Petitioner's review of Staff's independent analysis. Mr. Rich is to advise the Board within 30 days of his receipt of the Staff analysis (and in any event, no later than May 19, 1988) whether he wishes to pursue the Contention.

Members of the Appeal Board
June 8, 1988
Page Three

If he does not wish to pursue it, it will
be dismissed. If he does wish to pursue
it, it will be ruled on at that time.

Memorandum and Order, pp. 16-17. By Memorandum and Order
dated May 31, 1988 (a copy of which is enclosed for your convenience),
Amended Petition Contention 5 was dismissed, based on petitioner's
failure to inform the Licensing Board that he wished to pursue
it.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Bauser". The signature is written in dark ink and is positioned above the printed name.

Michael A. Bauser

cc: Attached Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)

FLORIDA POWER AND LIGHT COMPANY)

(St. Lucie Plant, Unit No. 1))
)
_____)

Docket No. 50-335-OLA

(Spent Fuel Pool Expansion)

CERTIFICATE OF SERVICE

I hereby certify that copies of a Letter to the Members of the Appeal Board from Michael A. Bauser, dated June 8, 1988, were served on the following by deposit in the United States mail, first class, postage prepaid and properly addressed, on the date shown below:

Thomas S. Moore, Chairman
Atomic Safety and Licensing Appeal Board
Atomic Safety and Licensing Appeal Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Alan S. Rosenthal, Chairman
Atomic Safety and Licensing Appeal Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Howard A. Wilber
Atomic Safety and Licensing Appeal Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

B. Paul Cotter, Jr., Chairman *
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Glenn O. Bright *
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Richard F. Cole *
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Appeal Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Adjudicatory File
Atomic Safety and Licensing Board Panel Docket
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
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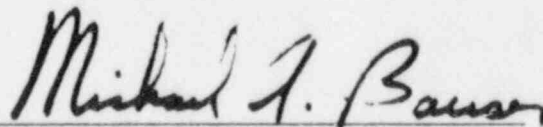
Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Chief, Docketing and Service Section
(Original plus two copies)

Benjamin H. Vogler, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Campbell Rich
4626 S.E. Pilot Avenue
Stuart, Florida 34997

Dated this 8th day of June, 1988.



Michael A. Bauser

Newman & Holtzinger, P.C.
1615 L Street, N.W.
Washington, D.C. 20036

Telephone: (202) 955-6600

Counsel for
Florida Power & Light Company

*/ These addressees were provided copies of the enclosures
to the above-referenced letter separately.

FPL

L-88-253

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

Gentlemen:

Re: St. Lucie Unit 1
Docket No. 50-335
Spent Fuel Pool Rerack

By letter L-87-245, dated June 12, 1987, Florida Power & Light Company (FPL) submitted a proposed license amendment to permit replacement of the St. Lucie Unit 1 spent fuel pool racks to ensure that sufficient future capacity exists for storage of spent fuel at that unit. The new, high-density racks were intended to increase the available storage to 1706 spent fuel assemblies and to provide adequate spent fuel storage space until the year 2009.

By Amendment No. 91, dated March 11, 1988, the NRC issued the license amendment permitting the spent fuel pool rerack. Shortly thereafter, FPL began construction activities related to this spent fuel pool rerack.

This letter is intended to inform the NRC that the reracking of the St. Lucie Unit 1 spent fuel pool authorized by Amendment No. 91 is now complete. Construction activities inside the spent fuel building are concluded and the temporary construction crane has been removed.

As an adjunct to the above, by letter L-86-250, dated July 2, 1986, FPL submitted a proposed license amendment to permit the transfer of spent fuel assemblies (SFAs) from the St. Lucie Unit 1 spent fuel pool to the St. Lucie Unit 2 spent fuel pool. This amendment was intended to provide a temporary storage location for St. Lucie Unit 1 SFAs if a full core offload of St. Lucie Unit 1 was required prior to the spent fuel pool reracking described above.

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U. S. Nuclear Regulatory Commission
L-88-253
Page two

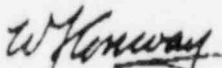
The proposed amendment was issued as Amendment No. 30 to the St. Lucie Unit 2 Operating License, dated May 10, 1988. The amendment included License Condition 2.C(19), repeated below.

(19) Unit No. 1 spent fuel may be transferred from the Unit No. 1 spent fuel pool to the Unit No. 2 spent fuel pool, as necessary, until completion of all activities related to the increase in capacity of the Unit No. 1 spent fuel pool to 1706 spent fuel assemblies. Spent fuel assemblies transferred from the Unit 1 spent fuel pool to the Unit 2 spent fuel pool may remain in the Unit 2 spent fuel pool or be transferred back to the Unit 1 spent fuel pool.

By virtue of this condition and, as a result of the completion of the St. Lucie Unit 1 spent fuel pool reracking, FPL is of the view that Amendment No. 30 to the St. Lucie Unit 2 operating license is no longer operative and that legal authority to transfer SFAs from St. Lucie Unit 1 to St. Lucie Unit 2 no longer exists. No SFAs were transferred to Unit 2 from Unit 1 during the operable period of this license condition.

If further information is required, please contact us.

Very truly yours,



W. F. Conway
Senior Vice President - Nuclear

WFC/EJW/gp

cc: Dr. J. Nelson Grace, Regional Administrator, Region II,
USNRC
Senior Resident Inspector, USNRC, St. Lucie Plant

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

88 JUN -1 A9:30

OFFICE OF THE
DOCKETING & SERVICE
BRANCH

Before Administrative Judges:

B. Paul Cotter, Jr., Chairman
Glenn O. Bright
Dr. Richard F. Cole

SERVED JUN 1 - 1988

In the Matter of:

FLORIDA POWER AND LIGHT COMPANY

(St. Lucie Plant, Unit No. 1)

Docket No. 50-335-OLA

(ASLBP No. 88-560-01-LA)

May 31, 1988

MEMORANDUM AND ORDER
(Dismissing Contention 5)

On April 20, 1988, this Board admitted seven contentions to this proceeding and deferred ruling on the eighth denominated Contention 5.

We stated:

The Board reserves judgment on this Contention pending Petitioner's review of Staff's independent analysis. Mr. Rich is to advise the Board within 30 days of his receipt of the Staff analysis (and in any event, no later than May 19, 1988) whether he wishes to pursue the Contention. If he does not wish to pursue it, it will be dismissed. If he does wish to pursue it, it will be ruled on at that time.

Florida Power and Light Co., LBP-88-10A, slip op. at 16-17 (April 20, 1988).

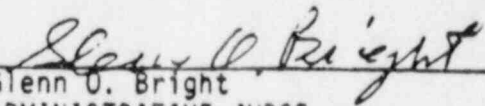
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The Board has received no indication from petitioner that he wishes to pursue Contention 5. Accordingly, it is dismissed.

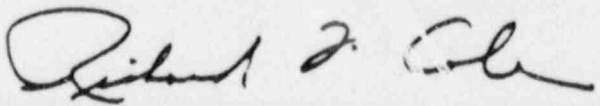
THE ATOMIC SAFETY AND
LICENSING BOARD



B. Paul Cotter, Jr., Chairman
ADMINISTRATIVE JUDGE



Glenn O. Bright
ADMINISTRATIVE JUDGE



Dr. Richard F. Cole
ADMINISTRATIVE JUDGE

May 31, 1988
Bethesda, Maryland