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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
CONSUMERS POWER COMPANY) Docket No. 50-155-OLA
(Big Rock Point Nuclear Power Plant)) (Spent Fuel Pool
Modification)

MOTION FOR AN EXTENSION
OF TIME

Consumers Power Company ("Licensee") hereby moves this Atomic Safety and Licensing Board ("Licensing Board") to enter an order extending the deadline established in its Partial Initial Decision, dated September 14, 1982. That decision required Licensee to "demonstrate within one month of the issuance of this order [October 14, 1982], that the deficiencies discussed in the accompanying memorandum have been remedied, are not serious or are being remedied through adequate interim compensating actions." An extension of this deadline to December 3, 1982 is sought by this Motion. In support of the Motion, Licensee states:

1. Licensee has been diligently pursuing the necessary steps to address the deficiencies in the hearing record identified by Licensing Board in its Order of September 14, 1982.^{*/} As the attached Affidavit of

^{*/} This action was taken in parallel with Licensee's independent consideration of a Motion for Reconsideration and/or Clarification.

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Mr. Roger W. Sinderman indicates, Licensee initiated discussions with the Emergency Services Division of the Michigan State Police on September 21, 1982, the organization responsible for the areas of interest delineated in the Licensing Board's Order (Affidavit, ¶ 4). Additional meetings were held with representatives of the State Emergency Services Division on a continual basis right up to yesterday, October 11, 1982 (Affidavit, ¶¶ 4 and 6). These meetings (as well as those in the future) were for the purpose of acquainting the State Emergency Services Division with the Licensing Board's Order and of seeking assistance in developing information to respond to the evidentiary "gaps" identified by the Board.

2. Lieutenant James Tyler of the State Emergency Services Division will prepare an affidavit covering the training matters raised by the Licensing Board with respect to the relevant portion of Christa-Maria Contention 9(2). On the advice of Licensee's counsel, Lt. Tyler is carefully gathering and verifying information concerning the past and proposed future training practices of his Division. This task has been complicated by the fire that occurred in his office on September 23 (Affidavit, ¶ 7; Exhibit A). Moreover, his other responsibilities with respect to other nuclear plants, e.g., the October 21 emergency planning exercise at the D.C. Cook Plant unavoidably interfere with his preparation of the affidavit (Affidavit, ¶ 7).

3. Information obtained since the issuance of the Licensing Board's Order by the Emergency Services Director of Charlevoix County, Mr. Earl Muma, indicates that relocation of the school children in the Charlevoix Public Schools has been addressed and that adequate bus transportation, using bus drivers familiar with the routing, is available (Affidavit, ¶ 9; Exhibit B). Similarly, a procedure is in place for maintaining an updated list of invalids and for relocating them if necessary (Affidavit, ¶ 9; Exhibit C). In addition, school bus drivers will receive emergency planning training on October 27, 1982 under the direction of Mr. Muma (Affidavit, ¶ 6). The foregoing information and the October 27 training session specifically address areas of concern identified by the Licensing Board. Again on the advice of Licensee's counsel, it was determined that affidavits should be obtained from the individuals having first-hand knowledge with respect to these matters. This action will be initiated during a meeting scheduled to take place next week (Affidavit, ¶ 8).

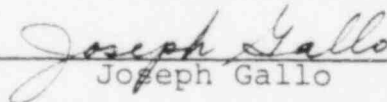
4. Licensee intends to submit evidence in this proceeding consistent with the evidentiary standard established by the Board's Order. This evidentiary presentation will consist of the affidavits of Lt. Tyler and perhaps Ms. Ogren of his Staff on the subject of past and future emergency planning training efforts of the State Emergency Services Division. In addition, affidavits will be obtained from Messrs. Muma (training at the local level), Olach (school

children relocation), Lasater (invalids list and their relocation), and perhaps others as it may be determined in future meetings with these witnesses. Licensee's presentation will also include the report being developed by Stone & Webster Engineering Corporation (Affidavit, ¶ 3). This report will not be available until the second week in November (Id.). Counsel estimates that the various affidavits can be completed by about the same time. Licensee will then need time to assimilate the results of the Stone and Webster Report and to take any action that may be prompted by the report. Time will also be required to assemble the legal papers needed to support the evidentiary presentation. All of this should be accomplished and the submission made to the Licensing Board and parties by December 3, 1982.

5. State and local officials have been extremely cooperative and helpful in assisting Licensee's efforts to respond positively to the Licensing Board's September 14 Order. Nevertheless, it should be recognized that these organizations do not exist solely to service the needs of Licensee. They have other priorities and responsibilities, and problems, e.g., the fire, which necessarily must be accommodated (Affidavit, ¶¶ 7-8). Hence, 30-days is simply not sufficient to develop the type of evidence required by the Licensing Board's Order.

6. The additional information described in paragraph 2 above as discussed more extensively in the Sinderman Affidavit, provides evidence that adequate interim compensating actions have been and are being taken by Licensee with respect to the hearing record deficiencies noted in the Licensing Board's September 14 Order. Moreover, based on the foregoing, Mr. Sinderman -- an emergency planning expert -- concluded that "no emergency planning exigency exists with respect to these matters" that might otherwise render a time extension inappropriate (Affidavit, ¶ 10).

For good cause shown, Licensee's motion for an extension of time to December 3, 1982 within which to submit the evidentiary presentation described above should be granted. Counsel for the NRC Staff has no objection to the grant of the Motion. Counsel for Intervenors Christa-Maria, et al. objects.



Joseph Gallo

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Dated: October 12, 1982