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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCHBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

LICENSEE'S ANSWER TO THE NRC STAFF'S
MOTION FOR SUMMARY DISPOSITION
OF O'NEILL CONTENTION IB-5



On October 5, 1981, pursuant to 10 C.F.R. § 2.749, Licensee moved for summary disposition of Christa-Maria Contentions 2, 3 and 8, O'Neill Contentions IIA, IIB, IIC, IID, IIE-3, IIF, IIG(b) and IIIE-2, and Licensing Board Questions 1 and 2. On the same date, the NRC Staff moved for summary disposition of all of the above contentions and also for summary disposition of O'Neill Contention IB-5. Both the Staff and Licensee supported their motions with affidavits of persons competent to testify on each of the issues. Pursuant to 10 C.F.R. § 2.749, any party may serve an answer supporting or opposing a motion for summary disposition, with or without supporting affidavits, within 20 days

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after service. The Licensing Board, by an Order dated October 26, 1981, extended this time until November 20, 1981.

Pursuant to that Order, Licensee hereby submits its answer supporting the Staff's motion for summary disposition of O'Neill Contention IB-5.

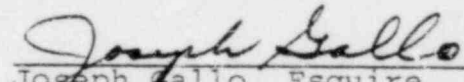
In support of the Staff's motion, Licensee is submitting the following documents in connection with O'Neill Contention IB-5:

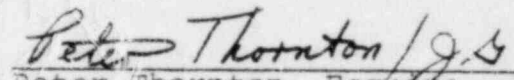
1. A Statement of Material Facts as to which there is no genuine issue to be heard and a discussion of particular reasons why summary disposition is appropriate on that contention.
2. Affidavits in support of each statement.

These documents demonstrate that there is no genuine issue as to any material fact and that the NRC Staff is entitled to a decision as a matter of law on O'Neill Contention IB-5. Therefore, pursuant to 10 C.F.R. § 2.749, the Board should grant the NRC Staff's Motion for Summary Disposition with respect to O'Neill Contention IB-5. In the alternative, if the Board determines that it is unable to summarily dispose

of this contention, Licensee respectfully requests that the Board enter a finding specifying the material fact or facts as to which there exist genuine issues requiring hearing.

Respectfully submitted,


Joseph Gallo, Esquire


Peter Thornton, Esquire

Two of the Attorneys for
Consumers Power Company

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Dated: November 20, 1981

DOCKETED
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
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In the Matter of

CONSUMERS POWER COMPANY

(Big Rock Point Nuclear Power Plant))

OFFICE OF SECRETARY
DOCKETING & SERVICE

) Docket No. 50-155-OLA
) (Spent Fuel Pool
) Modification)

CERTIFICATE OF SERVICE

I hereby certify that copies of LICENSEE'S ANSWER TO THE NRC STAFF'S MOTION FOR SUMMARY DISPOSITION OF O'NEILL CONTENTION IB-5 in the above-captioned proceeding were served on the following by deposit in the United States mail, first-class postage prepaid, this 20th day of November, 1981.

Herbert Grossman, Esquire
Administrative Judge
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Board Panel
U. S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Dr. Oscar H. Paris
Administrative Judge
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Mr. Frederick J. Shon
Administrative Judge
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Board Panel
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Board Panel
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Atomic Safety and Licensing
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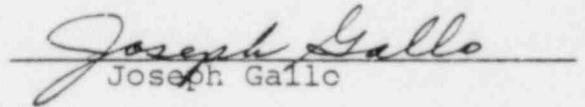
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