

7/10/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE 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))

MOTION TO SUPPLEMENT FINDINGS OF FACT
AND CONCLUSIONS OF LAW OUT OF TIME

Consumers Power Company ("Licensee") hereby moves this Atomic Safety and Licensing Board to enter an order permitting Licensee to supplement its findings of fact and conclusions of law which were filed on July 2, 1982, with respect to Subcontentions (2) and (3) of Christa-Maria Contention 9. Specifically, Licensee requests that said findings be supplemented by adding paragraph 3. of Mr. Roger W. Sinderman's Affidavit. In support of the motion, Licensee states:

1. As explained in paragraph 3. of Mr. Sinderman's Affidavit, the information at the top of page 18 of Consumers Power Company Exhibit No. 5, the emergency planning public information pamphlet, should be revised to make it more clear to the lay person.

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Specifically the language should be revised to read:

If you lived right at the plant site boundary, the amount of radiation you could receive as the result of most plausible accidents is comparable to the amount you could receive during some routine diagnostic nuclear medicine applications. However, prudent emergency preparedness includes planning for less likely 'worst case' accidents in which larger, even life-threatening doses of radiation might be released within the five-mile EPZ.

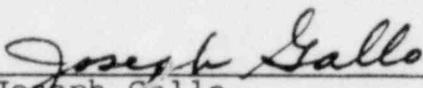
In Mr. Sinderman's opinion, the revision is an improvement over the language now appearing at the top of page 18 of the pamphlet. Moreover, it appears to be consistent with the Licensing Board's notion concerning the clarification of this material (Tr. 1311-15).

2. Licensee recognizes that Mr. Sinderman's proposed revision affects the section of the pamphlet concerning radiation which is the subject of the first sentence of Subcontention (2), and that such a proposal, to be timely, should have been filed on July 2, 1982. However, Mr. Sinderman's voluntary consideration of this matter came after July 2, 1982, during the time he was revising the pamphlet to be responsive to unrelated suggestions by the Licensing Board and Ms. Christa-Maria.

3. Mr. Sinderman's proposal is in the public interest and its consideration should be permitted. No other party should be prejudiced by this late filing since the proposed revision is simple to grasp and it can be addressed during the time for replies to the affirmative findings now due on July 23, 1982.

For good cause shown, Licensee's Motion should be granted.

Respectfully submitted,



Joseph Gallo

One of the Attorneys for
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