

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
PETITIONING & SERVICE  
BRANCH

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

MOTION OF  
CONSUMERS POWER COMPANY FOR  
EXTENSION OF TIME IN WHICH TO FILE  
A PETITION FOR RECONSIDERATION OR  
MOTION FOR CLARIFICATION

On September 14, 1982, the Atomic Safety and Licensing Board ("Licensing Board") issued a partial initial decision concerning several contentions raised by intervenors in this case. Generally that decision addressed emergency planning issues and certain administrative controls for the handling of various spent fuel casks. Consumers Power Company ("Licensee") moves the Licensing Board, pursuant to 10 C.F.R. § 2.711, to enter an order granting an extension of time until October 11, 1982, within which to file a petition for reconsideration and/or a motion for clarification with respect to the emergency planning portion of the Licensing Board's decision. In support of the motion, Licensee states:

1. NRC regulations (10 C.F.R. § 2.771) provide 10 days from the date of a decision for the filing of a petition for reconsideration. Given the additional 5 days allowed by

10 C.F.R. § 2.710 for mail delivery, such a petition is due 15 days from the date of the decision, in this case September 29, 1982.

2. Attorneys for Licensee have been substantially engaged during the past two weeks in the preparation of proposed findings of facts and conclusions of law on two litigated issues in this proceeding, namely O'Neill Contentions II-C and II E-3. A proposed partial initial decision on Contention II-C was filed by Licensee yesterday, September 27. A proposed partial initial decision on Contention II E-3 concerning criticality issues is under preparation and it must be filed by Friday, October 1.

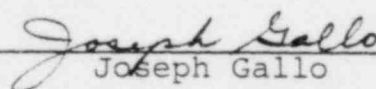
3. The Licensee does not intend to seek reconsideration of the entire partial initial decision issued by the Licensing Board on September 14. Thus, attorneys for Licensee have been busily engaged in providing advice and assistance to the Licensee with respect to steps that might be taken with state and local emergency planning entities for the purpose of meeting many of the requirements of the September 14 decision within the 30-day deadline established therein.

4. In the foregoing circumstances, attorneys for Licensee have not had sufficient time to address the legal issues raised by the Licensing Board's decision. That decision requires careful review because it represents a landmark ruling in the emergency planning area, an emerging enigma of NRC regulatory practice. Accordingly, justice to the

Licensee requires that its counsel be given a fair opportunity to digest the import of the Board's decision.

For good cause show, Licensee's motion for an extension of time to October 11, 1982 should be granted. Counsel for the NRC Staff has no objection to the grant of the motion. Counsel for Intervenors Christa-Maria, et al. object to the grant of the motion.

Respectfully submitted,

  
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Joseph Gallo

One of the Attorneys for  
Consumers Power Company

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Dated: September 28, 1982

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)  
 )

CERTIFICATE OF SERVICE

I hereby certify that copies of MOTION OF CONSUMERS POWER COMPANY FOR EXTENSION OF TIME IN WHICH TO FILE A PETITION FOR RECONSIDERATION OR MOTION FOR CLARIFICATION were served on Judges Bloch, Shon and Paris and Messrs. Goddard, Bachmann and Semmel by hand delivery and on all other persons listed below by deposit in the United States mail, first-class postage prepaid, this 28th day of September, 1982.

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

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

Atomic Safety and Licensing  
Appeal 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  
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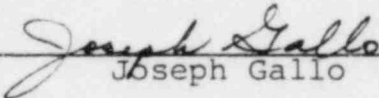
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