

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'82 OCT 20 P2:0

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
MARKETING & SERVICE  
BRANCH

In the matter of )  
 )  
Consumers Power Company ) Docket No. 50-155-OLA  
 ) (Spent Fuel Pool  
 ) Modification)  
(Big Rock Point Nuclear Power Plant) )

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INTERVENORS' OPPOSITION TO LICENSEE'S MOTION  
TO CONTINUE PLANT OPERATIONS WITHOUT  
COMPLIANCE WITH BOARD ORDER ON EMERGENCY  
PLANNING

Licensee's motion seeks to continue operating the plant even though it has not complied with this Board's initial decisions concerning emergency planning. The motion should be denied because:

1. Continued operation without adequate emergency planning threatens the lives and health of thousands of people.

2. Licensee has not made adequate progress toward compliance with the Board's decisions.

1. Threat to the public.

The possibility of an accident at an atomic energy plant is great enough so that the NRC has required that Licensees comply with standards for emergency planning. Three Mile Island illustrates the reality of an accident scenario. Licensee now seeks to be excused from compliance

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with NRC standards, even though, in the judgment of Intervenor, those standards are woefully inadequate.

Licensee has not offered any reason why it cannot take the safe, conservative, prudent course of taking Big Rock Point off line until the emergency planning meets the requirements set forth by this Board. Licensee cannot make such showing. The plant produces so little electricity, perhaps one percent of Licensee's Michigan production, that no reason exists why the plant should continue to operate without the necessary conditions for public safety having been met.

2. Licensee Has Not Made Substantial Progress Toward Compliance.

Licensee's Motion for an Extension of Time (10-12-82) filed two days before the deadline established in the Partial Initial Decision (9-14-82) is an effort by Licensee to follow its own schedule rather than one set by the Board.

The Partial Initial Decision of the Board dated September 14, 1982 ordered Licensee to demonstrate within one month (10-14-82) that the deficiencies discussed "have been remedied, are not serious, or are being remedied through adequate interim compensating action." (Order p.12). Licensee was not required to make a showing that the deficiencies were corrected or even substantially corrected but merely to make a showing that something was being done. Licensee claims that it cannot meet even this minimal standard, asserting that it needs more time to properly

evaluate the situation.

Licensee broadly asserts the need for more time, yet the only reasons given for the delay are the fire in Lt. Tyler's office and the fact that the state agencies do not exist solely for the needs of Licensee. It appears that Lt. Tyler's affidavit will be limited to the efforts of Michigan State Police with regard to training. This does not adequately address the inability to produce the remaining information.

Paragraph 10 of the Sinderman affidavit is not sufficient assurance that the inadequacies are not serious. The assertion that the training effort is already in place and ongoing is used as a partial basis for the conclusion that no emergency planning exigency exists. The only training mentioned in the motion is the October 27 training of busdrivers. The assertion that affidavits will be collected regarding past and ongoing training is not at all informative. Intervenors are advised that at least one public official involved has refused to sign an Affidavit prepared by Licensee. As previously mentioned, Lt. Tyler's affidavit will be limited to the State Police efforts. No reason for the lack of information on the bus training is given. Is one to assume that all training is done by the Michigan State Police? This assumption would be directly contrary to the facts that surfaced during the hearing.

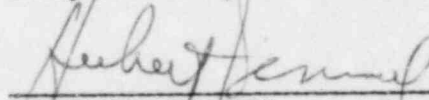
In addition, the substantiation that has been submitted is incomplete. For instance, Exhibit B, regarding school bus

capacity is based on the assumption that only students, but no teachers or administrators, will be on the buses. A loss of one bus or one driver renders Licensee's calculation inapplicable. Licensee has not explained why the affidavits were not available from Muma, Lasater and Olach. It is also unclear exactly what role Stone and Webster will have and why their report will not be available until November.

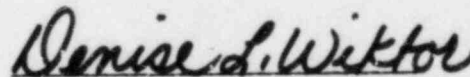
#### CONCLUSION

The motion for continued operations pending compliance with the Board's emergency planning order should be denied and the plant be ordered off-line until Licensee complies.

Respectfully submitted,



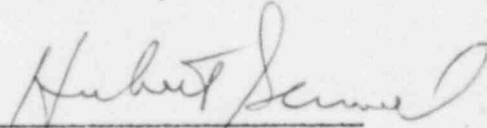
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposition to Licensee's Motion to Continue Plant Operation was served on the attached list by United States Mail, first class, postage prepaid, the 19th day of October, 1982.

  
HERBERT SEMMEL

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