

UNITED STATES OF AMERICA DOCKETED  
NUCLEAR REGULATORY COMMISSION USNRC

ATOMIC SAFETY AND LICENSING BOARD

'82 OCT 21 P2:07

Before Administrative Judges:

Peter B. Bloch, Chairman  
Dr. Oscar H. Paris  
Mr. Frederick J. Shon

OFFICE OF SECRETARY  
REGULATORY & SERVICE  
BRANCH

SERVED OCT 21 1982

In the Matter of  
CONSUMERS POWER COMPANY  
(Big Rock Point Plant)

Docket No. 50-155  
(Spent Fuel Pool Amendment)

October 21, 1982

MEMORANDUM AND ORDER  
(Extension of Time to Comply With Board Order)

On October 12, 1982, Consumers Power Company (applicant) filed a motion for an extension of time within which to comply with our Order of October 14, 1982, requiring applicant to demonstrate that it was essentially in compliance with the Commission's emergency planning requirements. Our deadline for demonstrating compliance was October 14, 1982. Applicant seeks an extension until December 3, 1982.

Christa-Maria, et al. (Christa-Maria), apparently partially because it misunderstands the purpose and effect of the motion, opposes it. Christa-Maria believes that the motion "seeks to continue operating the plant."

We are appointed to consider a license amendment dealing with a spent fuel pool. Our jurisdiction is limited to the amendment proceeding. We may condition or deny the application for amendment, if appropriate. We may not enjoin operation of the plant.

For the purpose of this proceeding, we find the extent of applicant's efforts to comply with our order to be wholly satisfactory. We do not at this time express any opinion about whether they have in fact complied, but we are pleased with the steps they have taken. Our initial deadline was, necessarily, arbitrary. We did not know how extensive the efforts to comply would prove to be. Now that we are informed, we are satisfied with the pace of applicant's efforts and we grant its request for an extension of time. Should the extension of time delay issuance of the license amendment and affect nuclear plant operations--as we do not now expect--the adverse effects will be felt by applicant rather than by intervenors. We do not see how Christa-Maria's interests are adversely affected by granting this request for a time extension.

We interpret Christa-Maria to be seeking to institute a proceeding pursuant to 10 CFR §2.206(a) to suspend or revoke a license. Consequently, we are requesting the Staff of the Nuclear Regulatory Commission to confer with Christa-Maria concerning an expeditious method for obtaining consideration of the request. However, the jurisdiction over this question lies with the Director of Nuclear Reactor Regulation and not with us.

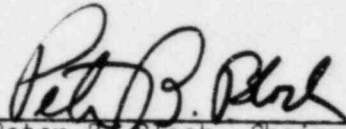
O R D E R

For all the foregoing reasons and based on consideration of the entire record in this matter, it is this 21st day of October, 1982,

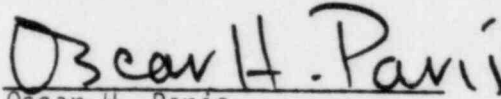
ORDERED

Applicant's October 12, 1982, motion for an extension of time is granted. It may comply with our Initial Decision of September 14, 1982 by December 3, 1982.

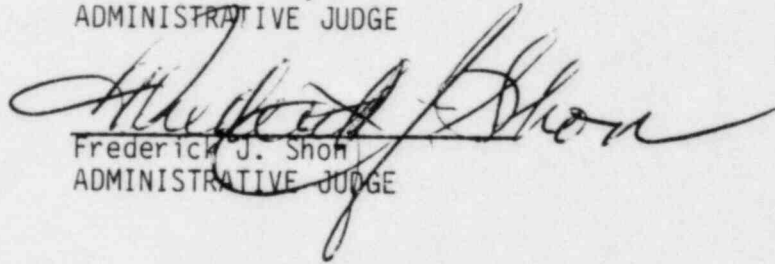
FOR THE  
ATOMIC SAFETY AND LICENSING BOARD



Peter B. Bloch, Chairman  
ADMINISTRATIVE JUDGE



Oscar H. Paris,  
ADMINISTRATIVE JUDGE



Frederick J. Shon  
ADMINISTRATIVE JUDGE

Bethesda, Maryland