

Dated: 9/26/83

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION SEP 27 12:17

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CONSUMERS POWER COMPANY'S
APPLICATION FOR HEARING SUBPOENA

Pursuant to 10 C.F.R. §2.720(a), Consumers Power Company ("Licensee") hereby applies to the Licensing Board to issue the attached hearing subpoena to Mr. Joseph Hennigan of the Michigan Department of Public Health, commanding him to appear to give his testimony at the time and place indicated on the attached subpoena. In support of this Application, Licensee states:

1. Mr. Hennigan is the Chief of the Nuclear Facilities and Environmental Monitoring Section of the Division of Radiological Health Services of the Michigan Department of Public Health. As such, Mr. Hennigan is responsible for recommending the appropriate protective action to the Emergency Services Division of the Michigan State Police and the Governor of the State of Michigan in the event of a radiological accident at any of the nuclear power plants in Michigan, including the Big Rock Point Plant.

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2. Based on this responsibility, Mr. Hennigan's testimony is relevant to Christa-Maria Contention 9(8) which states that "Applicant should have separate emergency plans appropriate for summer and winter." Mr. Hennigan can address this contention insofar as he can explain how the choice of recommended protective action accommodates the difficulties particular to those seasons.

3. Counsel for Licensee has reason to believe that Mr. Hennigan will not appear to testify except upon the issuance of a subpoena. Mr. Hennigan has indicated that he will cooperate in this matter upon the issuance of a subpoena.


4. This Licensing Board is authorized to issue a hearing subpoena directed to third parties. Cf: Pacific Gas and Electric Co. (Stanislaus Nuclear Project, Unit 1), ALAB-550, 9 NRC 683 (1979). This would include the Engineer-Manager of the Charlevoix County Road Commission.

5. To date, the Licensing Board has not designated the exact location of the October, 1983 session of spent fuel pool modification hearings, which Licensee believes is likely to be held in or near Petoskey, Michigan. Licensee's counsel will notify Mr. Hennigan of the hearing location in a timely fashion, once the Licensing Board issues its order designating the hearing site. Appropriate witness fees will be paid, in accordance with 10 C.F.R. §2.720, at the time of service. Mileage fees and travel expenses will be provided

upon issuance of the Licensing Board order designating the exact location of the hearing. Isham, Lincoln & Beale will serve the requested subpoena, once issued.

WHEREFORE, for the reasons stated herein Licensee respectfully requests that this Application for Hearing Subpoena be granted and that the board issue the attached hearing subpoena to Mr. Joseph Hennigan.*/-

Respectfully submitted,


Victor G. Copeland
One of the Attorneys for
Consumers Power Company

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Dated: September 13, 1983

*/- Licensee also submits for issuance the attached cover memorandum to the subpoena. This memorandum is styled after the explanatory memorandum that was issued by Judge Bloch with the March 30, 1982 subpoena of Captain William Hickey.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CONSUMERS POWER COMPANY)	Docket No. 50-155-OLA
)	(Spent Fuel Pool
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Consumers Power Company's Application for Hearing Subpoena" were served on all persons listed below by deposit in the United States mail, first-class postage prepaid, this 26th day of September, 1983, unless otherwise indicated.

Peter B. Bloch, Esquire*
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U.S. Nuclear Regulatory
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Washington, D.C. 20555

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