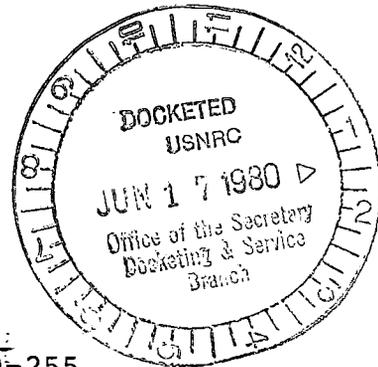


6-13-80



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

In the Matter of )  
 )  
CONSUMERS POWER COMPANY ) Docket No. 50-255  
 ) License No. DPR-20  
 ) (Civil Penalty)  
(Palidsades Nuclear Power Facility))

CONSUMERS POWER COMPANY'S  
SUPPLEMENTAL MOTION TO COMPEL

INTRODUCTION

On May 14, 1980, Consumers Power Company ("Consumers") filed a "Motion to Compel" requesting that the Administrative Law Judge (ALJ) enter an order that the Nuclear Regulatory Commission (NRC) respond to certain of Consumers discovery requests contained in "Consumers Power Company's First Round of Interrogatories and Requests for the Production of Documents by the Nuclear Regulatory Commission," dated February 25, 1980. Subsequent to the filing of its Motion, Consumers was provided with certain NRC documents related to this proceeding, pursuant to its March 19, 1980 Freedom of Information Act request.

Because of the NRC's objection to its discovery requests, Consumers was necessarily obliged to make certain assumptions regarding what might be contained in the materials which the NRC withheld from disclosure. And, based upon these assumptions, Consumers argued, in its Motion to Compel, that the materials were relevant and necessary to a

DS03  
5/11

proper decision in this proceeding. Some of the documents provided under Consumers' FOIA request tend to confirm Consumers' expectations regarding the potentially exculpatory nature of the information sought in the Interrogatory deemed objectionable by the NRC. Accordingly, Consumers files this supplement to its Motion to Compel.<sup>1/</sup>

ARGUMENT<sup>2/</sup>

1. Interrogatories 2(b), (c), (d) and (e), 3, 4 and 5

Interrogatories 2(b), (c), (d) and (e), 3, 4 and 5 request facts, calculations, criteria, recommendations and documents considered during the internal review process which led up to the Office of Inspection and Enforcement Notice of Violation. In particular, these Interrogatories seek information concerning the manner in which NRC personnel evaluated the facts pertaining to the alleged items of non-compliance in terms of applying these facts to the enforcement criteria and the governing statutes and regulations. This would include a description of the analysis performed and relied upon by the Office of the Director ("Director") in deciding that Consumers committed the violations set forth

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<sup>1/</sup> Consumers was granted permission to file this supplement pursuant to the ALJ's Order, dated June 9, 1980.

<sup>2/</sup> Since the newly provided information provides support for Consumers' argument that the information sought pursuant to the Interrogatories deemed objectionable by the NRC is necessary for a proper decision in this proceeding, this supplemental motion will only address this issue.

in the November 9, 1979 Notice of Violation, and that Consumers should be fined in the amount proposed in the December 20, 1979 Order Imposing Civil Penalties. The analyses of the other NRC personnel assigned responsibilities with respect to these matters is also included within the scope of these Interrogatories. Consumers argued that this information is relevant and necessary to a proper decision in this proceeding for two basic reasons.

First, to the extent these Interrogatories seek to discover the reasoning process underlying the Director's ultimate decision to issue the above referenced Notice of Violation and Order Imposing Civil Penalties they are unquestionably proper. Given that the NRC will bear the initial burden of establishing that Consumers in fact committed the violations and that the civil penalties proposed are warranted one would expect that the very same information relied upon by the Director in issuing the Notice and Order will be presented at the hearing by the NRC in its attempt to meet its initial burden of proof. Consequently, the information sought pursuant to these Interrogatories relates directly to facts and arguments on which the NRC will rely in presenting its case. Since the fundamental purpose for discovery is to inform a party of its adversary's case, and since the discovery requests in question are intended for this specific purpose, the information sought must be provided.

Secondly, Consumers argued that to the extent

recommendations submitted by NRC personnel proposed a different, i.e., lesser, sanction than that ultimately proposed by the Director, this information, as well as a description of the considerations which influenced the lesser sanction, is relevant to any defense Consumers may raise in support of its position that the proposed penalty should be mitigated. In other words, Consumers' position is that it is entitled to discover whether the NRC possesses exculpatory information which should be considered by the ALJ in reaching his determination as to whether the fine recommended by the Director should be reduced.

At the time Consumers filed its Motion to Compel, Consumers merely presumed that certain NRC personnel may have recommended a lesser sanction than that ultimately proposed by the Director. However, it has now been provided with a memorandum, dated October 26, 1979, from James G. Keppler, Director, Region III to George C. Gower, Acting Executive Officer for Operations Support, IE, to which Mr. Keppler attached a draft Notice of Violation regarding the alleged noncompliances in question. (See Appendix A, attached hereto.) Mr. Keppler's proposed Notice of Violation recommends that the licensee be fined \$5,000.00 for the alleged Item I of noncompliance. In contrast, the fine ultimately recommended by the Director for this item amounted to \$2,120,000.00.<sup>3/</sup>

<sup>3/</sup> This amount was modified to \$441,000.00 under IE's interpretation of the limitation contained in Section 234 of the Atomic Energy Act that the total of civil penalties for any thirty day period cannot exceed \$25,000.00.

The extreme divergence between the sanctions recommended by these two offices indicates that the significance of the alleged items of noncompliance and/or the meaning of the enforcement criteria, and the governing statutory provisions may reasonably be subject to different interpretations. As the parties to this proceeding agree, neither the interpretation offered by the Director nor that of Region III is controlling in regard of the ALJ's decision with respect to these matters; i.e., as the ultimate decision-maker he may adopt either of these views, in whole or in part, or may decide that both interpretations are flawed. This does not mean, however, that these interpretations are not relevant to the ALJ's decision. To the contrary, given that these offices are assigned the day-to-day responsibility of enforcing and administering the Commission's civil enforcement authority the ALJ may well consider the interpretations advanced by these offices to be extremely probative. It is clear, however, that to the extent the ALJ may be persuaded that Mr. Keppler's recommendations are based upon an accurate interpretation of the significance of the alleged noncompliances and of the meaning of the enforcement criteria and the relevant statutes and regulations, evidence of Mr. Keppler's recommendations, and the reasons underlying these recommendations, are directly relevant to Consumers' position that the proposed penalties should be reduced, even if one assumes that the alleged violations occurred. To permit the NRC to deprive Consumers, and consequently the ALJ, of such

exculpatory evidence would clearly be unconscionable. See, United States v. Reynolds, 345 U.S. 1, 12 (1935).

Moreover, if Consumers can establish that the penalty proposed by the Director was influenced by considerations which are inconsistent with the purposes for which section 234 of the Atomic Energy Act was enacted, the ALJ might attach more weight to the recommendations submitted by other NRC personnel, such as Mr. Keppler, which may not have been so influenced. Consumers is not suggesting that the Director's decision was motivated by improper considerations. We do however submit that in view of the statements made by Dr. Hendrie at the press conference announcing the enforcement action that "[i]n carrying out its enforcement actions, the NRC...has been criticized in times past for seeming to...look for rather lower amounts to be levied for a violation than even the present law would allow" and that "one of the reasons that I [i.e. Dr. Hendrie] have chosen to announce today's civil penalty myself is to make clear that that is certainly not going to be the case in the future", it is not beyond the realm of possibility that the recommended penalty was proposed, at least in part, in response to these criticisms. Clearly, Section 234 was not enacted to permit the NRC to appease those who are critical of its handling of other unrelated matters, and if it were established that the enforcement action was instituted against Consumers for this purpose, the ALJ would be entirely justified in discounting

the importance of the Director's recommendations, and giving considerably more weight to recommendations which were not politically influenced.

It may well be that the Director's decision was influenced solely by proper considerations. However, Dr. Hendrie's statements, when considered in light of the recommendations submitted by Mr. Keppler, create an impression of improper and arbitrary conduct which should be explored through further discovery. These matters are directly relevant to Consumers' possible defenses because they affect the weight to be afforded the Director's recommendations. It also would seem that the Agency, and the ALJ, should make every effort to dispell the present impression that the NRC has utilized its enforcement authority in this case in an arbitrary and capricious manner. For, it is clear that the deterrent effect contemplated by those who enacted Section 234 would be severely diluted if licensees believe that enforcement sanctions will be arbitrarily proposed depending upon the existing political climate.

Consumers believes that there may be other information within the NRC's possession which is as material, if not more so, to Consumers' position that the proposed penalties are not warranted. Unless the NRC is required to respond to Consumers' outstanding discovery Consumers will not be able to present arguments in its defense which it might otherwise raise, thereby causing severe harm and

prejudice to its right to a fair hearing based upon a complete record. The NRC must therefore be compelled to disclose the information sought under the discovery requests in question.

2. Interrogatories 12, 13 and 14<sup>4/</sup>

Another document which was provided to Consumers pursuant to the FOIA request is a memorandum, dated March 19, 1980, from T. F. Westerman, Chief, Reactor Projects Section, RIV, to S. E. Bryan, A/D for Field Coordination, DROI, IE, relating to the enforcement actions taken by Region IV for violations of containment integrity. In discussing containment integrity violations which had occurred in facilities for which Region IV has inspection responsibilities, Mr. Westerman states the following: "No enforcement action was taken on any of these [i.e. containment integrity violations] as the IE Past policy (MC0800) had been not to cite a licensee on reported items for which there had been adequate corrective action".<sup>5/</sup> (See attached Appendix "B".) This statement provides a good illustration of why the NRC should be required to respond to Consumers discovery requests pertaining to the manner in which the NRC's enforcement criteria has been interpreted and applied in past enforcement actions.

<sup>4/</sup> These interrogatories request information regarding the manner in which the enforcement criteria has been interpreted and applied in past enforcement actions.

<sup>5/</sup> MC0800 is the most recent version of the NRC's enforcement policy made available to the public.

In light of the fact that the NRC does not allege that once apprised of the existence of the open valves, Consumers failed to take adequate corrective actions, Consumers may wish to argue that pursuant to applicable NRC policy, as set forth in Mr. Westerman's memorandum and perhaps other as yet undisclosed documents, no enforcement sanction whatever is warranted in this case. Had Consumers not been provided with Mr. Westerman's memorandum, it would have been hampered in its preparation for its defense. Information such as that contained in Mr. Westerman's memorandum is clearly relevant to and necessary for a proper decision in this proceeding. Inasmuch as there may be additional information within the possession of the NRC which sheds light upon the proper interpretation of the enforcement criteria, such information may be useful to Consumers in advocating its position that the proposed sanctions are not warranted.<sup>6/</sup> However, unless the NRC is required to respond to the discovery requests, Consumers may never be in a position to raise defenses which may otherwise be available. Consumers must therefore insist on, and the ALJ must require, full disclosure of the information requested pursuant to Interrogatories 12, 13 and 14.

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<sup>6/</sup> For example, there may be information which establishes that under Section 234 of the Atomic Energy Act as it has consistently been applied in past enforcement actions, the classification of Item I of noncompliance as a "continuing" violation is clearly improper. This would seem to be consistent with the recommendations submitted by Mr. Keppler, as well as the Commission guidance in regard of this issue. (See Consumers' Motion to Compel at p. 16.)

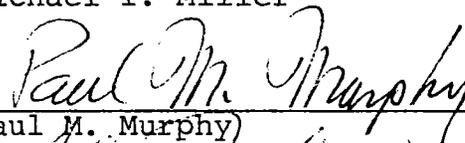
WHEREFORE, for the reasons stated in Consumers original Motion to Compel, as supplemented by the present Motion, the Administrative Law Judge should find that the materials requested in Interrogatories 2, 3, 4, 5, 13, 14, 15 and 17 are relevant, necessary for a proper decision and are not privileged. Accordingly, the Administrative Law Judge should order the NRC to produce the information sought in these Interrogatories.

DATED: June 13, 1980.

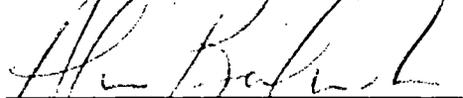
Respectfully submitted,



Michael I. Miller



Paul M. Murphy



Alan P. Bielawski

Attorneys For Licensee  
Consumers Power Company

ISHAM, LINCOLN & BEALE  
One First National Plaza  
42nd Floor  
Chicago, Illinois 60603  
312/558-7500

# SPECIAL HANDLING REQUIRED

BY: (circle one or more)

CODERS  
Describe:

Data Entry  
Describe:

DDC  
Describe:

Micrographics  
Describe:

8004170262 is on  
sys w/d pp - Please  
film these 8 pp  
for that ANO

See Attachment

Duplicate Record Action Required

new pages to be added to existing record  
ANO: \_\_\_\_\_

duplicate mother or daughter with new  
daughter attached

SPECIAL FLOW?

yes  
Approved \_\_\_\_\_

If there are  
questions, contact:  
\_\_\_\_\_

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

Appendix A

October 26, 1979

MEMORANDUM FOR: George C. Gower, Acting Executive Officer for Operations Support, IE

FROM: James G. Keppler, Director, Region III

SUBJECT: CONSUMERS POWER COMPANY (PALISADES) - RECOMMENDED CIVIL PENALTY

We recommend that a civil penalty be assessed against the Consumers Power Company for activities conducted at the Palisades Nuclear Facility. The principal reason for this recommendation is the discovery in September, that the licensee had been operating the reactor in various modes with containment integrity violated because of the locked open condition of manual isolation valves in the containment purge exhaust bypass line. This condition likely existed since April 1978. This is the tenth instance of containment integrity violation reported by the licensee since the beginning of 1978, seven of which have resulted from personnel error. This latest instance constitutes noncompliance in the violation category. The civil penalty recommendation is therefore based on the history of containment integrity problems and on the significance of this particular noncompliance.

Attached for HQ use is a draft letter to the licensee with attached Notice of Violation and Proposed Imposition of Civil Penalties. Also attached is a table of containment integrity violations reported since the beginning of 1978.

With your concurrence, we would propose to coordinate the staffing of this escalated civil penalty as described in my memorandum to you dated September 17, 1979. Specifically, G. Norelius (384-2684) of my staff will coordinate comments directly from ELD and from ROI. Resolution of differences will be handled by telephone conference, or a special meeting if needed. Please let us know how you wish to proceed.

*James G. Keppler*  
James G. Keppler  
Director

Attachment: Draft ltr to  
Licensee w/attachments

cc w/attachment:  
Norman Mosley, ROI, IE

DWR  
8004170262

Docket No. 50-255

Consumers Power Company  
ATTN: Mr. R. B. DeWitt  
Vice President  
Nuclear Operations  
212 West Michigan Avenue  
Jackson, MI 49201

Gentlemen:

Recently it was discovered that the Palisades Nuclear Power Facility had been operated at various times with containment integrity violated by the locked-open condition of manual isolation valves in the containment purge bypass line. It is likely that this condition existed since April 1978, during which time the reactor was operated at various power levels.

Because of the safety significance of this matter and the previous history of containment integrity violation since January 1978 (Appendix C), we propose to impose civil penalties in the amount of \$11,000 for this violation and for related procedural noncompliances which contributed to the cause of this condition. This matter was discussed with you during a meeting conducted by Mr. James G. Keppler, Director, Region III and members of his staff with representatives of Consumers Power Management on October , 1979.

Additionally, we are concerned about findings of noncompliance in the areas of health physics, transportation of radioactive waste and security at Palisades. A meeting to discuss your corrective actions related to health physics noncompliances was conducted on September 18, 1979.

Another meeting to discuss the correction of the security noncompliances

was conducted on September 20, 1979. Therefore, in your reply, please address, in addition to the corrective actions for the specific items of noncompliance set forth in Appendix A, those actions taken by management to improve the overall regulatory performance of the Palisades facility.

The items of noncompliance identified on the September 1979 inspection are set forth in Appendix A. Appendix B is a proposed notice of imposition of civil penalties. In responding you should follow the instructions set forth in Appendix A and Appendix B.

Your response and the findings of subsequent inspections will determine whether further escalated enforcement is necessary to assure continued operation in compliance with the NRC requirements.

Sincerely,

Victor Stello, Jr.  
Director  
Office of Inspection and Enforcement

Attachments:

1. Appendix A - Notice of Violation
2. Appendix B - Proposed Imposition of Civil Penalties
3. Appendix C - Containment Integrity Violations

Appendix ANOTICE OF VIOLATION

Consumers Power Company

Docket No. 50-255

Based on the inspection conducted during September, 1979, it appears that certain of your activities were in noncompliance with NRC requirements, as noted below. Item 1 is a violation, and Items 2 and 3 are infractions.

1. Technical Specification 3.6.1a states that containment integrity shall not be violated unless the reactor is in the cold shutdown condition.

Contrary to the above, the licensee on numerous and lengthy occasions from April, 1978, to September, 1979, operated the reactor in other modes, including full-power operations, with containment integrity violated by the locked-open condition of both series manual isolation valves in the containment purge exhaust bypass line.

(Civil Penalty - \$5,000)

2. Technical Specification 6.8.1.c requires implementation of procedures for surveillance and testing of safety-related equipment. Health Physics procedure H.P.6.27 govern testing of in-place HEPA and charcoal

filters in safety-related systems pursuant to Technical Specification Table 4.2.2, and requires notification and signoff by the Shift Supervisor and the plant Health Physicist on completion of testing.

Contrary to the above, the required notification and signoffs were not completed after the licensee tested filters in the containment ventilation exhaust bypass line under H.P.6.27 on April 4-7, 1978.

(Civil Penalty - \$3,000)

Technical Specification 3.6.3 requires that prior to going critical after a refueling outage, an administrative check will be made to confirm that all manual containment isolation valves are closed and locked.

Contrary to the above, due to a deficient containment integrity verification procedure, the plant has been taken critical after each of its refueling outages without confirmation that two manual containment isolation valves for the containment purge exhaust bypass were closed and and locked as required.

(Civil Penalty - \$3,000)

DR. 10  
10/10/74

Appendix B

NOTICE OF PROPOSED IMPOSITION OF CIVIL PENALTIES

Consumers Power Company

Docket No. 50-231

This office proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, (42 USC 2282), and to 10 CFR 2.205 in the cumulative amount of Eleven Thousand Dollars (\$11,000) for the specific items of noncompliance set forth in Appendix A to the cover letter. In proposing to impose civil penalties pursuant to this section of the Act and in fixing the proposed amount of the penalties, the factors identified in the Statements of Consideration published in the Federal Register with the rule making action which adopted 10 CFR 2.205 (39 FR 16894) August 26, 1971, and the "Criteria for Determining Enforcement Actions," which was sent to NRC licensees on December 31, 1974, have been taken into account.

Consumers Power Company may, within twenty (20) days of receipt of this notice pay the civil penalties in the cumulative amount of Eleven Thousand Dollars (\$11,000) or may protest the imposition of the civil penalties in whole or in part by a written answer. Should Consumers Power Company fail to answer within the time specified, this office will issue an order imposing the civil penalties in the amount proposed above. Should Consumers Power Company elect to file an answer protesting the civil penalties, such answer may (a) deny the items of noncompliance listed in the Notice of Violation in whole or in part, (b) demonstrate extenuating circumstances, (c) show error in the Notice of Violation or (d) show

Other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Consumers Power Company's attention is directed to the other provisions of 10 CFR 2.205 regarding, in particular, failure to answer and ensuing orders; answer, consideration by this office, and ensuing orders; requests for hearings, hearings and ensuing orders; compromise; and collection.

In the event of failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Atomic Energy Act of 1954, as amended, (42 USC 2282).

## PALISADES

## CONTAINMENT INTEGRITY VIOLATIONS

ACCIDENT NUMBER

SINCE 1/1/78

NO.	DATE	DESCRIPTION
78-01	1/7/78 Equip.	Personnel door interlock failed, both doors open simultaneously 1/7/78 with primary system temp. at 273° F (cold shutdown is below 210° F)
78-03	1/8/78 Equip.	With equip. hatch open shutdown cooling heat-exchanger outlet valve failed closed. Primary coolant temp. rose to $\approx$ 215° F for 20 min.
78-13	4/21/78 P.E. (degraded)	Breathing air supply valve opened for personnel doing control rod drive maint, leaving only line check-valve for isolation with reactor at hot shutdown 1/
78-17	5/9/78 P.E.	Steam generator blowdown line radiation monitor failed, letdown isolation valves blocked open for chem. sampling (reg'd) left blocked when primary coolant system heated above 210° (to 532° F)
78-28	8/4/78 P.E. (degraded)	Containment valve 1806 (purge exh. isol.) T-ring not pressurized, series valve T-ring air supply < 30d. reg. to (both CV's were closed) (condition existed from 4/7/78)
78-30	8/28/78 P.E.	With primary coolant @ 305° F, purge exhaust valves were opened for purging though auto-supply to T-rings was inoperable on containment valves 1805, 1806 & 1807
79-06	1/25/79 P.E.	1/4" guage fitting on outer door of personnel airlock open (believed since 7/3/78) so cont. inte violated whenever inner door open with reactor above cold shutdown
79-09	2/20/79 Equip.	Containment building purge valves determined inoperable vs. DBA pressures - accident analysis not met (since construction) whenever vlvs. open with primary coolant > $\approx$ 210°
79-19	3/31/79 P.E. (degraded)	Drained containment sump via test connection <u>between</u> isolation valves not downstream of both as intended

1/ believed intermittent opening should be allowed - sought T/S chge. since C.E. std. T/S permit -

2/ did not have Rx critical; S/A tubes provide isolation

78-01 & 78-03 resulted from mechanical failures---79-09 due to inadequate design---remainder due to personnel errors



UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 REGION IV  
 811 RYAN PLAZA DRIVE, SUITE 1000  
 ARLINGTON, TEXAS 78012

March 19, 1980

MEMORANDUM FOR: S. E. Bryan, A/D for Field Coordination, DROI, IE  
 FROM: T. F. Westerman, Chief, Reactor Projects Section, RIV  
 SUBJECT: MOSELEY MEMO TO REGIONAL DIRECTORS (NO DATE) CONCERNING  
 "RESPONSES TO INTERROGATORIES FROM ATTORNEYS FOR THE  
 CONSUMERS POWER COMPANY, RE: PALISADES CIVIL PENALTY"

As discussed with you on the telephone on March 18, 1980, we are forwarding by telefax, the following Licensee Event Reports in response to interrogatory #12 which relate to violations of containment integrity.

Fort Calhoun 50-285/74-14  
 ANO Unit 1 50-313/78-31  
 ANO Unit 1 50-313/78-32  
 ANO Unit 2 50-368/78-18

RIV considers only the Fort Calhoun event to be significant. No enforcement action was taken on any of these as the IE past policy (MC 0800) had been not to cite a licensee on reported items for which there had been adequate corrective action.

Other types of items identified during the review of the Fort Calhoun, Cooper and ANO docket files include the following:

- One of two series Containment Isolation Valves Inoperative due to personnel/procedure error and/or equipment malfunction.
- Failure to perform surveillance leak rate testing within specified frequency.
- Penetrations that had not initially been identified for leak rate testing.

There are no items of noncompliance which RIV considers to fall in the category of interrogatories 13 or 14.

*T. F. Westerman*  
 T. F. Westerman, Chief,  
 Reactor Projects Section

Attachments:  
 As stated

*dup*  
 8996130088

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

In the Matter of )  
 )  
CONSUMERS POWER COMPANY ) Docket No. 50-255  
 ) License No. DPR-20  
(Palisades Nuclear Power Facility) )

CERTIFICATE OF SERVICE

I, Alan P. Bielawski, one of the attorneys for Consumers Power Company, certify that copies of "Supplemental Motion to Compel" have been served in the above-captioned matter on the following by depositing same in United States mail, postage prepaid, this 13th day of June, 1980:

Honorable Ivan W. Smith  
Administrative Law Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

James P. Murray, Esq.  
Director and Chief Counsel  
Rulemaking and Enforcement Division  
Office of Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

James Lieberman, Esq.  
U.S. Nuclear Regulatory Commission  
Office of Executive Legal Director  
Washington, D.C. 20555

Stephen G. Burns, Esq.  
U.S. Nuclear Regulatory Commission  
Office of Executive Legal Director  
Washington, D.C. 20555

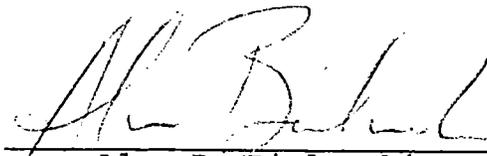
Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Judd L. Bacon, Esq.  
Consumers Power Company  
212 West Michigan Avenue  
Jackson, Michigan 49201

DATED: June 13, 1980.



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Alan P. Bielawski