

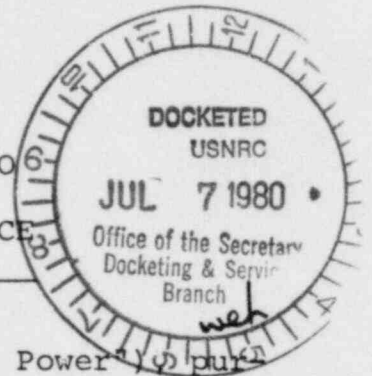
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

_____)
In the Matter of)
)
CONSUMER POWER COMPANY)
)
(Midland Plant, Units 1 and 2))
)
_____)

Docket Nos. 50-329-OM
50-330-OM

ANSWER OF CONSUMERS POWER COMPANY TO
PETITIONS FOR LEAVE TO INTERVENE
OF MESSRS. THIBODEAU, MILLER AND RACE
AND MS. STAMIRIS AND MS. GILBERT



Consumers Power Company ("Consumers Power") pur

suant to the Rules of Practice of the Nuclear Regulatory Commission, hereby answers the petitions to intervene filed by Barbara Stamiris, William A. Thibodeau, Carol Gilbert, Terry R. Miller, and Patrick A. Race. For the reasons explained below, while Consumers Power does not at this time oppose the petitioners' intervention, it reserves the right to oppose the participation of any of the petitioners in subsequent proceedings in this docket, contingent on the adequacy of the contentions which they are required to submit pursuant to 10 C.F.R. §2.714(b) and this Board's notice of hearings and the factual accuracy of their allegations. Further, Consumers Power requests that the petitions be consolidated.

I. INTRODUCTION

The petition of Barbara Stamiris states that she resides in Freeland, Michigan approximately eight miles from the Midland plant. She alleges that several interests will be adversely affected by an order of the Commission for modification of the construction permits for the Midland plants. Particularly, she states that an unsatisfactory resolution of the soil settlement issue would adversely affect her health and her economic interests. Further, she declares that any changes in construction may lead to a rise in her electric rates.*

Petitioners Thibodeau, Gilbert, Miller and Race, similarly allege a residence in close proximity to the plant site. These petitioners, in identical petitions, allege that their interests may be adversely affected by resolution of the soil settlement issue relating to the safety and value of their property, the health and safety of their families and increases in electric rates occasioned by the construction costs of the plant.*

II. PETITIONERS' INTERESTS

Based on the decision of the Atomic Safety and Licensing Board, Consumers Power Company (Palisades Nuclear Plant), LBP-79-20, 10 NRC 108 (1979), and in light of their

* Obviously, intervention should not be granted based on the petitioners allegations regarding the effect which these proceedings may have on rates charged by Consumers Power. Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 and 2) CLI-76-27, 4 NRC 610, 614 (1976).

asserted residences near the plant, it is apparent that these petitioners have adequately alleged facts sufficient to establish the requisite interest for intervention under 10 C.F.R. §2.714.

However, Consumers Power reserves the right to oppose the participation of any of these petitioners in the subsequent proceeding in this docket, dependent upon the substance and specificity of the supplemental contentions they are required to file pursuant to 10 C.F.R. §2.714(b). Consumers Power further reserves the right to challenge the accuracy of facts underlying petitioners allegations regarding standing. Finally, Consumers Power suggests that since the substance of all these petitions is similar and the wording of four of the petitions identical, the Nuclear Regulatory Commission should consolidate them pursuant to 10 C.F.R. §2.714(d), limiting the intervention of these common interests to representation by a single spokesperson.

Respectfully submitted,

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