

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

AEC Docket Nos. 50-329A
50-330A

ERRATA TO AEC REGULATORY STAFF'S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

The AEC Regulatory Staff submits the following corrections to its Proposed Findings Of Fact And Conclusions Of Law filed on October 8, 1974, in the above-captioned proceeding:

Proposed Findings Of Fact And Conclusions Of Law -- Proposed License Conditions

1a. Finding XIII-44 on page 150, entitled "Access to Nuclear Units" which now reads:

"Licensee" shall offer an opportunity to participate in the Midland Nuclear Units and any other nuclear generating unit(s) which it may construct, own and operate severally or jointly, during the term of the instant license or any extension or renewal thereof, to any "entity(ies)" in the "applicable area". Such participation shall be by an ownership interest, or by equity participation, or by a contractual right to purchase a portion of the output of such units at the option of the "entity(ies)" or on any other mutually agreeable basis. Such participation shall be in reasonable amounts as mutually agreed to by the parties or, in the absence of such agreements, as determined or approved by the Atomic Energy Commission - should read:

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"Licensee" shall offer an opportunity to participate in the Midland Nuclear Units and any other nuclear generating unit(s) which it may construct, own and operate severally or jointly, during the term of the instant license or any extension or renewal thereof, to any "entity(ies)" in the "applicable area". Such participation shall be by an ownership interest, or by equity participation, or by a contractual right to purchase a portion of the output of such units at the option of the "entity(ies)" or on any other mutually agreeable basis. Such participation shall be in reasonable amounts.

1b. Finding XIII-54 on page 156, entitled "Reserve Requirement" the first paragraph which now reads:

"Licensee" and the "entities" to a reserve sharing arrangement shall from time to time jointly establish the minimum reserves to be installed and/or provided under contractual arrangements as necessary to maintain in total a reserve margin sufficient to provide adequate reliability of power to the interconnected systems of the parties. The allocation of the reserve responsibility among the parties of the reserve sharing arrangement shall be on a reasonable basis as mutually agreed or, in the absence of such agreement as determined by the Atomic Energy Commission. - should read:

"Licensee" and the "entities" to a reserve sharing arrangement shall from time to time jointly establish the minimum reserves to be installed and/or provided under contractual arrangements as necessary to maintain in total a reserve margin sufficient to provide adequate reliability

of power to the interconnected systems of the parties. The allocation of the reserve responsibility among the parties of the reserve sharing arrangement shall be on a reasonable basis.

Language Changes

2. The sentence beginning on line 1 of page 169, which now reads:

Consumers dominates the HV generation in the relevant geographic market (sections VIII and IX supra). - should read:

Consumers owns and controls approximately 98% of the HV transmission in the relevant geographic market (sections VIII and IX supra.)

3. The last four lines of the first paragraph on page 7, which now reads:

shall have the authority to issue or continue a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate. - should read:

in its judgment deems necessary to protect the public interest. On the basis of its findings, the Commission shall have the authority to issue or continue a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate.

4. Line 8 on page, which now reads:

declared to be illegal, contracts or agreements prescribing
should read:

declared to be illegal: Provided, That nothing herein contained
shall render illegal, contracts or agreements prescribing

Other Corrections

| <u>Page</u> | <u>Line</u> | <u>Correction</u> |
|-------------|-------------|---|
| 5 | 28 | "provision" should be "provisions" |
| 6 | 9 | "however." should be "however," |
| 7 | 30 | "Provided." should be "Provided," |
| 8 | 1 | "To" should be "to" |
| 8 | 3 | "approved July 2, 1890 (26 Stat., 209, as amended; 15 U.S.C. should be "approved July 2, 1890, ch. 647, 26 Stat. 209, as amended, 15 U.S.C. "(26 Stat. 693; 15 U.S.C. (1) and (2) (1970))." should be "(Act of July 2, 1890, ch. 647, §§1, 2, 26 Stat. 693; ch. 690, 50 Stat. 693; 15 U.S.C. (1), (2) (1970))." |
| 8 | 4 | |
| 8 | 17 | "which resale" should read "which such resale" |
| 8 | 21 | "act entitled, "An act" should read "Act entitled "An Act" |

| <u>Page</u> | <u>Line</u> | <u>Corrections</u> |
|-------------|----------------------------|---|
| 8 | 22 | "power" should be "powers" |
| 8 | 37 | "Public" should be "Public L." |
| 9 | 2 | "monopolize" should read "monopolize," |
| 9 | 30 | "Public" should read "Public L." |
| 12 | 6 | "states" should be "stated" |
| 13 | 13 | "410 U.S. 366" should be "410 U.S. 368" |
| 19 | 15 | "105(c)," should be "105(c).," |
| 19 | 17 | as should be "as |
| 20 | 2 | 105(a). should be 105a." |
| 20 | 14 | "Subsection" should be "subsection" |
| 20 | 15 | "Subsection" should be "subsection" |
| 20 | 23 | "Committee" should be "committee" |
| 20 | 29 | "revised 105c" should read "revised subsection 105c." |
| 45 | Chart | Total Operating Revenue for 1971 which <u>now reads</u> : \$59,843,411 <u>should</u> <u>read</u> : \$364,229,770. |
| 45 | Finding VIII-20, Line 2 | "total operating" should read "total electric operating" |

| <u>Page</u> | <u>Line</u> | <u>Correction</u> |
|-------------|-------------------------|---|
| 45 | Finding VIII-20, Line 3 | "net income." should read "net electric operating income." |
| 46 | 4 | "reduces" should be "reducing" |
| 51 | 5 | "Continguous" should be "contiguous" |
| 69 | 25 | Delete "as" appearing before the word "greater". |
| 70 | 15 | "would to share" should read "would need to share" |
| 88 | 18 | "purchased" should be "purchase" |
| 90 | 9 | "informative" should be "information" |
| 90 | 14 | "I was aware and before aware for about 8 or 10 months" should read "I was aware and have been aware for about 8 or 10 months" |
| 91 | 19 | "none" should be "not" |
| 95 | 15 | "they" should be "they've" |
| 98 | 17 | "that you and their draft will" should read "that you there drafted" |
| 98 | 25 | "affected" should be "asked" |
| 99 | 13 | "take" should be "talk" |

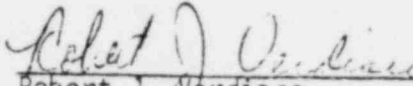
| <u>Page</u> | <u>Line</u> | <u>Correction</u> |
|-------------|-------------|--|
| 99 | 20 | "disadvantages" should read "disadvantages," |
| 99 | 21 | "negotiations reactions" should read "negative reaction" |
| 99 | 24 | "any negotiation" should read "anything negative" |
| 100 | 14 | "purpose" should be "purchase" |
| 100 | 23 | "Traverse City has for making such requests. should read "Traverse City as having made such requests." |
| 101 | 12 | "Capability" should be "capacity" |
| 101 | 14 | "of no will," should read "of -- well," |
| 101 | 16 | "that did not" should read "they didn't" |
| 101 | 21 | "1968. We" should read "1968 -- we" |
| 102 | 14 | "its" should be "it" |
| 105 | 7 | "stated" should be "state" |
| 105 | 8 | "activity of our" should read "activity or" |
| 105 | 26 | "(Paul - Tr. 8047)." should be "(Paul- Tr. 8043 - 8044). |
| 107 | 7 | "a distribution line" should read "a primary distribution line" |

| <u>Page</u> | <u>Line</u> | <u>Correction</u> |
|-------------|-------------|--|
| 107 | 8 | "we," should be "We," |
| 107 | 9 | "purpose" should be "business" |
| 107 | 10 | "action" should be "acquisition" |
| 107 | 11 | "Top-0, Michigan" should be "Top 0' Michigan" |
| 107 | 12 | "because" should be "Because" |
| 107 | 13 | "Top-0, Michigan" should be "Top-0' Michigan" |
| 107 | 24 | "transmission" should read "transmission," |
| 108 | 17 | "Section 5 of FTC Act" should read "Section 5 of the FTC Act" |
| 115 | 4 | "has" should be "have" |
| 132 | 13 | "ware" should be "were" |
| 135 | 18 | "save" should be "some" |
| 135 | 19 | "serves wholesale?" should read "serves at wholesale" |
| 136 | 6 | "miantenance" should be "maintenance" |
| 144 | 2 | "member" should be "members" |
| 155 | 19 | "firm of non-firm" should read "firm or non-firm" |

| <u>Page</u> | <u>Line</u> | <u>Correction</u> |
|-------------|-------------------------|--|
| 155 | 20 | "or shor term basis." should read "or short-term basis" |
| 156 | 17 | "on" should be "in" |
| 162 | Footnote 105 | "...[A]dvice" should be "...[A] device" |
| 163 | Footnote 109 | Delete "384-385 at pp. 320-321." should read "at 371" |
| 164 | Footnote 110, Line 3 | "agreement" should be "argument" |
| 165 | 5 | "of" should be "or" |
| 165 | 11 | "to be comprehensive" should read "to be a comprehensive" |
| 173 | Footnote 135 | " <u>Id.</u> , at p. 95." should be " <u>Id.</u> , at p. 18." |
| 174 | 14 | "new" should be "news" |
| 174 | 15 | "erting into agreements which" should read "erting that power, have entered into agreements which" |
| 174 | 16 | should be enclosed in quotes "plainly ... competition" |
| 174 | Footnote 136 | "96" should be "13" |

| <u>Page</u> | <u>Line</u> | <u>Correction</u> |
|-------------|--------------------------|---|
| 174 | Footnote 137 | "97" should be "15-16" |
| 183 | Footnote 152, Line 14 | "public freedom its" should read "public freedom from its" |
| 184 | 6 | "in" should be "is" |
| 186 | 2 | "sectiors" should be "sectors" |
| 186 | 7 | "that" should be "than" |
| 186 | 9 | "other" should be "others" |

Respectfully submitted,



Robert J. Verdisco
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 25th day of November 1974.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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CONSUMERS POWER COMPANY
(Midland Plant, Units 1 and 2)

AEC Docket No. 50-329A
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CERTIFICATE OF SERVICE

I hereby certify that copies of ERRATA TO AEC REGULATORY STAFF'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, dated November 25, 1974, in the above captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 25th day of November 1974:

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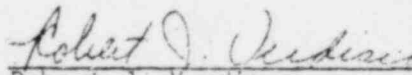
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