

Before the Atomic Safety and Licensing Board

Docket Nos. 50-329  
50-330

Notwithstanding its reference to the above statutes and regulations, Petitioner expressly reserves the right, under appropriate circumstances, to challenge the application of any such statute or regulation and/or to assert the illegality of any rule, regulation, procedure, or practice of the NRC which improperly or illegally denies Petitioner's rights and privileges accruing to Petitioner pursuant to the laws and

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Constitution of the United States. By filing this petition, Petitioner does not admit the legality of the proceeding in which Petitioner seeks leave to participate, and Petitioner does not admit the legality of the rules, regulations, and procedures which the NRC requires be followed by Petitioner in seeking leave to intervene.

I

IDENTIFICATION OF PETITIONER AND ITS INTEREST

1. Saginaw Valley Nuclear Study Group is an unincorporated association comprised of citizens and residents of Michigan who are interested in the dissemination of information and stimulation of public awareness and involvement in the study of nuclear power. Proceeding from this educational base, Petitioner is also pledged and committed to prevent the unsafe and unbridled use of nuclear power, particularly when such use does not result from the most efficient accommodation between all available power sources and man and his environment. As is set forth in more specific detail below, Petitioner and its members are concerned, based among other things on the information they have obtained during the nearly eight years in which Petitioner and others have been directly involved as intervenors in the construction permit proceeding pertaining to the Midland Nuclear Power Plant and related litigation, that the construction and operation of the Midland Nuclear

power plant will result in an unsafe and inefficient use of atomic energy, will create deleterious and adverse effects upon the city of Midland, Michigan and elsewhere, will contribute to and create adverse environmental effects which can be avoided, and will result in irretrievable and irreversible commitments of natural and other resources which, considering all of the alternatives and circumstances, including the alleged need for electrical power, would not be advantageous.

2. In addition to its educational and other goals and interests described above, Petitioner, by virtue of its individual members, the majority of whom are citizens and residents of Midland, Michigan, are concerned about imposing upon the citizens of Midland and the surrounding area a nuclear plant which will be situated essentially at the heart of a small community. Petitioner's concerns include not only nuclear and radiological safety concerns, but also environmental concerns and concerns over the siting of the Midland nuclear power plant in a manner which is contrary to the criteria promulgated by the NRC, the standards of the National Environmental Policy Act of 1969, and the clear thrust of the Environmental Impact Statement prepared with regard to the Midland nuclear power plant itself.

3. The interests of Petitioner and its members will be adversely affected by the issuance of an operating permit

for the Midland nuclear power plant because, as is more fully set forth below, the operation of the Midland nuclear power plant will proliferate nuclear power, with all its consequent and pendant dangers at a time when insufficient information is available to attest to the complete safety of the operation of a nuclear power plant, and at a time when all of the evidence which is available concerning this particular power plant suggests that not even the NRC staff--let alone anyone else--has any genuine knowledge that a plant constructed in the manner in which the Midland nuclear power plant is being constructed can indeed be safely operated.

4. The interest of Petitioner and its members will further be affected by the issuance of an operating license in this proceeding because if the Midland nuclear power plant is permitted to begin operation, it will produce electric power at a cost (which ultimately will be paid by, among others, the citizens and residents of the Midland area) grossly uneconomical and in excess of the cost of generating the same power by other means. This not only imposes a direct burden on Petitioner's members (who will have to pay those costs), but also imposes on them the added burden of being required to live and work side by side with the nuclear power plant, the environmental cost and safety uncertainties of which are in no way justified. In addition, the interest of Petitioner and its members will be adversely affected if an operating permit is granted in this

proceeding because, as is more fully set forth below, no genuine need for any nuclear power plant in Midland--let alone a nuclear power plant of the size of the Midland nuclear power plant presently under construction--can be demonstrated. In fact, the only factor which was originally believed to justify constructing a two-unit nuclear power plant in Midland--namely the desire of Dow Chemical Company to purchase process steam from such a facility--no longer applies. Thus Petitioner and its members are being asked to live in close proximity with a nuclear power plant whose safe operation cannot be assured, whose production of electricity cannot be economically justified, and the need for which is at best purely speculative.

5. In addition, the interest of Petitioner and its members will be adversely affected by the issuance of an operating license in this proceeding because it has not been (and cannot be) demonstrated that Consumers Power Company possesses either the financial or the technical qualifications to complete the construction of the Midland nuclear power plant or to operate it. As is more fully set forth below, the history of Consumers' involvement not only with the Midland nuclear power plant but with other nuclear power plants as well, affirmatively demonstrates that Consumers operates nuclear power plants in an atmosphere of negligence, irresponsibility, and misleading statements (if not outright deceit) which cause Petitioner and its members extreme and justified alarm at the



prospect of having to exist side by side with a nuclear power plant operated by Consumers.

6. In addition, the interest of Petitioner and its members will be adversely affected by the issuance of an operating license in this proceeding because, so far as Petitioner is presently able to determine, any such issuance would of necessity fail to take into account the extraordinary and drastic changes in all of the relevant facts and circumstances which have taken place since the original construction permits were granted by the Atomic Energy Commission six years ago. It is inconsistent with the protection of the public health and safety, and directly contrary to the public interest, to propose the issuance of an operating license on the basis of inaccurate and non-current safety, engineering, and environmental data.

7. In addition, Petitioner's members live geographically close enough to the proposed Midland nuclear power plant to be seriously and adversely affected by the radioactive and gaseous effluents which are planned to be emitted from the Midland plant during its normal operation, and also are consumers of food and agricultural products who rely to a large extent upon the natural resources, including sources of drinking water, which lie within the geographic area which would be adversely affected by effluents from the proposed Midland nuclear power plant. Petitioner and its members are therefore concerned about the

possibility, or on the record as Petitioner understands it the probability, of harm and danger to them, not only as a result of unsafe operation of the proposed Midland nuclear power plant, but as a result of the "normal" operation of that facility as the term "normal" is presently defined by the NRC.

8. In summary, Petitioner and its members have the same interests now as they had in November, 1970, when they filed their petition for leave to intervene in the construction permit proceedings relating to the proposed Midland nuclear power plant. Those interests have not changed during the intervening years. If anything, they have become markedly stronger, as more and more evidence is unearthed indicating that from every standpoint--economic, environmental, safety, health, and financial--the operation of the proposed Midland nuclear power plant would impose an extraordinary and utterly unjustified burden on the citizens of Midland, Michigan and the ratepayers throughout Consumers' entire service area.

## II

### RESERVATIONS

9. Petitioner expressly states that this petition to intervene is filed subject to the following reservations:

(a) Petitioner intends to seek attorneys fees and costs in connection with its participation in this proceeding; a failure to grant such fees and costs in connection with the valuable contribution which Petitioner can make--and which an NRC Atomic

Safety and Licensing Board recognized that Petitioner did make in the construction permit stage of this proceeding--may affect Petitioner's ability to participate.

(b) Petitioner intends to amend its Contentions from time to time, to accomodate further issues which are presented or which Petitioner believes ought to be raised. Petitioner will file such amendments within a reasonable time after the occurrence of each (or any) of the following:

(i) An Advisory Committee on Reactor Safeguards ("ACRS") meeting;

(ii) An ACRS report;

(iii) A draft environmental impact statement;

(iv) Receipt of comments on a draft environmental impact statement;

(v) Issuance of a final environmental impact statement;

(vi) Receipt of comments on the final environmental impact statement;

(vii) Regulatory staff questions;

(viii) Consumers' answers to regulatory staff questions;

(ix) Amendments by Consumers to any part of this applicatio , including the preliminary safety analysis re ort or the environmental report and site addendums;

(x) Information submitted to the Michigan Public Service Commission;

(xi) Information generated by state agencies which have jurisdiction over the application in connection with matters which may affect this proceeding, such as the Michigan Public Service Commission and the Michigan Air Pollution Control Board;

(xii) Information submitted to or regulations



issued by, the United States Environmental Protection Agency, including but not limited to radiation release standards;

(xiii) Matters obtained in discovery of information from anyone; and

(xiv) The regulatory staff safety evaluation.

(c) Petitioner intends to move for a free copy, or free use of a copy, of a transcript of the proceedings herein, on the ground that Petitioner will be unable to effectively participate without such a transcript and cannot afford to purchase one.

(d) Petitioner also reserves the right to participate by offering evidence and cross-examining witnesses and seeking discovery in connection with contentions raised or placed in issue by other parties to the proceeding or by the Atomic Safety and Licensing Board on its own motion, in accordance with well established principles of law. See e.g., Northern States Power Co. ALAB-244, RAI-74-11, 857, 863-69 (1974); Northern States Power Co., CLI-75-1, NRCI-75/1, 1-2 (1975).

(e) Petitioner reserves the right to present its contentions with no prejudice to its right to present legal arguments on the basis of a full evidentiary record in this proceeding concerning the comingling of promotional and regulatory responsibilities in the NRC, the constitutionality of the Price-Anderson Act, and the constitutionality and validity of the NRC regulations governing this proceeding.

(f) In the event that any of the contentions of Petitioner are deemed to constitute an attack on any rule or regulation of the NRC, Petitioner reserves the right to request, pursuant to 10 C.F.R. § 2.758 that the application of such rule or regulation be waived, or that an exception be made for this proceeding, on the ground that the extraordinary and unprecedented circumstances surrounding (among other things) the siting of the proposed Midland nuclear power plant are such that the application of the rule or regulation would not serve the purposes for which it was adopted.

### III

#### STATEMENT OF CONTENTIONS

10. The NRC Staff has the responsibility to review the application for operation of the Midland facility and to review construction, maintenance and operational activities of the units to determine their compliance with the Atomic Energy Act of 1954, as changed by the Energy Reorganization Act of 1974 (42 U.S.C., 5801 et seq.) and NRC regulations. But the Staff lacks the technical and managerial competence to execute these responsibilities. See (among other things) L. V. Gossick, et al., Atomic Energy Commission Task Force Report: Study of the Reactor Licensing Process, October, 1973.

11. The Task Force conclusions were based in part on a review of the inspection practices of the Staff. The Task Force Report notes that the regulatory inspection program consists principally in a review of the applicant's inspection program and not of primary review of safety-related activities involved in reactor construction. This latter type of review, not now engaged in, is essential, especially since Consumers has a history of negligent and inadequate performance of construction and operating activities with respect to nuclear plants. As a result of inadequate staff inspection practices, no finding can be made pursuant to 10 C.F.R. § 50.57(a) (2) and (3) (i) that the proposed Midland plant can be operated without undue risk to the public health and safety, or in

accordance with NRC rules and regulations.

12. Despite NRC safety reviews and inspection, commercial nuclear power plants have operated in the United States with such glaring design defects as having a 3,000 gallon radioactive waste tank hooked up with local drinking water supplies. The technical and managerial capability of the Staff, both to review Consumers' proposed facility and to oversee its construction in a manner consistent with protection of the public health and safety, is very much in doubt. Among other things, and in addition to the reasons stated in the preceding paragraphs, the Staff's conduct at the construction permit stage of this proceeding and during the 1977 suspension hearings shows that the Staff approaches its regulatory obligations with a bias in favor of saving Consumers' investment and without any independent or even-handed willingness to search out the facts and protect the public interest rather than Consumers' pocketbook. In the absence of a Staff capable and dedicated to fulfilling the NRC's regulatory responsibilities over Consumers, and especially in view of Consumers' own lack of trustworthiness and long history of (among others) QA-QC violations, there is no choice but to deny the operating license that Consumers is requesting, because the findings required by 10 C.F.R. §§ 50.57(1), (2) and (3)(ii) cannot be made.

13. Both Consumers and the architect-engineer have had a poor record in constructing nuclear power plants and in overseeing the quality assurance and quality control ("QA-QC") of subcontractors. Petitioner, based upon an unacceptable level of performance by the contractors with which Consumers has associated itself and upon Consumers' and the architect-engineer's long and lamentable history of QA-QC violations and cover-ups both at the Midland facility and elsewhere, contends that the QA-QC performance level will continue to be far below the minimum acceptable level.

14. Consumers has demonstrated both in proceedings before the NRC regarding the proposed Midland facility and in constructing and operating other nuclear plants that it will not hesitate to distort and even suppress the truth to serve its own purposes. Both for this reason and because of Consumers' history of QA-QC violations and negligent conduct, Consumers cannot be trusted to operate the Midland facility in accordance with the requirements of the Atomic Energy Act and the NRC's Regulations, and the findings necessary to the grant of an operating license--in particular those required by 10 C.F.R. §§ 50.57 (a) (2), (3) (ii), (4), and (6)--cannot be made. This is apparent from, among other things, the facts surrounding Consumers' preparation of testimony for, and conduct at, the 1977 suspension hearings in these Dockets.

15. Consumers has failed to present a meaningful assessment of the risks associated with the operation of the

units as required by 10 C.F.R. § 51.20 (a) and (d). For example, studies carried out by the NRC have identified accident mechanisms, considered credible, which would lead to uncontrollable accidents and release to the environment of appreciable fractions of a reactor's inventory of radioactive materials. In one secret NRC study, estimates of "the killing distance" were made, referring to the range over which lethal injuries would be received under varying weather conditions from the release of radioactive material in a nuclear power plant accident. Depending on prevailing weather conditions, this "killing distance" was estimated to be up to several dozen miles from the accident-damaged nuclear power reactor. Unpublished document from Brookhaven National Laboratory, USAEC.

16. According to analysis that the NRC has carried out, therefore, the proposed site is not an acceptable one. This is exacerbated by the fact that it is totally impossible to determine whether construction is now proceeding in a safe manner, or whether the proposed Midland facility can be safely operated, not only for the reasons set forth in ¶¶ 10-14 above but also because neither the Staff nor anyone else understands the cryptic references by the Advisory Committee on Reactor Safeguards ("ACRS") to "other [design] problems" which the ACRS said should be "resolved during construction" in order to provide the essential "reasonable assurance" that the proposed Midland facility could be operated without undue risk.



17. Furthermore, the incomprehensible ACRS report not only makes it impossible to determine whether the Midland facility can be safely operated as required by 10 C.F.R. §§ 50.57 (a) (3) and (6), but also makes it impossible to conduct the cost-benefit analysis required by NEPA and by 10 C.F.R. §§ 51.20 (b) and 51.21. None of the ACRS' Midland Reports, including the November 18, 1976 Supplemental Report, affords information sufficient to the task of factoring the cost of compliance with ACRS concerns into a cost-benefit analysis. In fact, neither the Staff nor the parties are presently in a position even to determine how serious the "other problems" identified by the ACRS may be.

18. The present site of the proposed Midland facility is pointless and unjustifiable in light of the speculative nature of Dow Chemical Company's continued participation in the Midland project. Based among other things on the position taken and evidence offered by Dow during the 1977 suspension hearings in these Dockets, it is apparent that: (i) Dow regards the Midland project as only marginally (if at all) advantageous to it, (ii) Dow does not consider Consumers to be reliable either financially or in terms of management and operating capabilities, (iii) Dow is seriously considering rejecting any further involvement in the project and suing Consumers for breach of contract, and (iv) if Dow could abrogate its relations with Consumers without penalty, it would do so immediately.

19. Since the execution of the initial Consumers-Dow contract in 1967, the cost of the Midland project has soared. The \$554,000,000 estimate given in the final Environmental Impact Statement (on which the original cost-benefit analysis was based) has more than tripled, and Consumers presently estimates the cost of the Midland project as at least \$1.67 billion. That estimate itself is too low, in part because it rests on highly optimistic assumptions concerning labor troubles (which have recently occurred, contrary to Consumers' assumptions), QA-QC problems, and the like which have not proved justified in the past and are not likely to be valid in the future. At the same time costs have skyrocketed, Consumers' demand projections have dropped drastically. As a result, the proposed Midland facility is no longer (if it ever was) economically justifiable, either for Dow or for Consumers' ratepayers, in terms of either the economic and efficient production of electricity or the return on investment. Thus, the project cannot survive the cost-benefit analysis required by 10 C.F.R. §§ 51.20 (b) and 51.21.

20. Particularly in light of the fact (supported, among other things, by Dow's own studies) that fossil-fired alternative facilities are both feasible and more economical from Dow's viewpoint than the Midland project is likely to be, the financial benefit of the Midland project to Dow or anyone else is nonexistent and the project cannot survive the NEPA cost-benefit analysis required by 10 C.F.R. §§ 51.20 (b) and 51.21. This cannot blandly be ignored on the theory that,

economic or not, Dow is contractually obliged to purchase steam and electricity from the Midland project, because: (a) there is no proof that any such obligation exists (among other things, Dow has consistently refused to admit the existence of any such obligation), and (b) the purpose of the NEPA cost-benefit analysis which the NRC must make is to determine where the true economies or diseconomies, and thus the true public interests, lie, independent of contractual coercion.

21. No finding can be made that Consumers has the financial ability to complete or operate the Midland project, as required by 10 C.F.R. § 50.57 (a) (4). In 1974 Consumers suffered a financial crisis so severe that it was compelled to slow down construction of the Midland facility due to lack of funds, and Consumers is still in financial trouble. Consumers' own November 9, 1976 stock prospectus (among many other things) indicates that Consumers' ability successfully to finance completion or operation of the Midland project depends in large part on factors not within Consumers' control:

"The Company [i.e., Consumers] will need significant and timely rate increases if revenues and income are to reach and be maintained at levels which will result in sufficient internally generated funds to meet its operational requirements and permit external financing of its construction program at reasonable cost."

Based inter alia on historical experience and the present

regulatory climate, such "significant and timely rate increases" are highly unlikely to occur.

22. A further reason why Consumers cannot be granted an operating license for the proposed Midland facility is the ongoing negotiations between Dow and Consumers concerning contract revision. These negotiations, which have been going on since 1974 and have seriously worsened Dow-Consumers relations (for example, Dow's Mr. Oreffice categorized Consumers' proposal that Dow make a \$400 million interest-free loan to Consumers to help finance continued construction as "extortion")\*, and are highly likely to result either in a complete breakdown of Dow support or in a serious worsening of the already unjustifiable cost-benefit balance.

23. The foregoing facts (among other things, including Dow's lack of confidence in Consumers' financial and management ability) demonstrate that Consumers lacks the financial and managerial qualifications necessary to complete and operate the proposed Midland nuclear facility. This means not only that the findings required by 10 C.F.R. § 50.57 (4) cannot be made, but also that the findings of safe operation, compliance with the Atomic Energy Act and NRC rules, and

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\* This loan appears essential to Consumers' ability to complete the Midland project, but there is no prospect that Dow will agree to it. This is a further example of why no finding of financial capability can be made under 10 C.F.R. § 50.57 (4).

compliance with the construction permit (Id., §§ 50.57(1), (2), (3), and (6)) cannot be made. Not only does Consumers' QA-QC violation history and lack of technical competence preclude any finding of safe operation, but also Consumers' financial troubles mean that (as has happened in the past) Consumers will scrimp and short-cut with regard to vital safety matters, both in completing construction and in operating and maintaining the proposed Midland facility.

24. The foregoing facts also demonstrate that the proposed Midland nuclear facility cannot survive an unbiased and even-handed cost-benefit analysis pursuant to the National Environmental Policy Act of 1969 and 10 C.F.R. §§ 51.20 (b) and 51.21, for at least the following reasons:

(a) Absent a firm commitment to the Midland project by Dow Chemical Co. (which Commitment is entirely lacking), and according to the original Environmental Impact Statement covering the Midland project, the Midland nuclear facility as presently designed is both far too large and located at the wrong site;

(b) Dow Chemical Co. can build and operate its own non-nuclear facility in Midland at a lesser cost than Dow will incur if it is forced to purchase steam or electricity from Consumers' proposed Midland facility, which means that Consumers' proposed Midland facility is both economically unjustifiable (so that it has no "benefit" for NEPA purposes) and environmentally unsound (because, inter alia, a much smaller non-nuclear facility, not presenting the radiological and safety hazards of the Midland facility and not producing highly toxic nuclear waste, can fill any real "need" just as well as the proposed Midland facility and at less economic cost);



(d) The soaring cost of the Midland project, coupled with Consumers' sagging demand projections, means that the Midland "product" (i.e., steam and electricity) will be uneconomically priced and unsalable, and a burden on Consumers' ratepayers.

25. Consumers' Environmental Report and the cost-benefit analysis for the Midland project completely fails to take into account or discuss any of the facts set forth in ¶¶ 14-24 above or ¶¶ 26-33 below, and were illegally and invalidly prepared to serve as an ex post facto justification for building the Plant rather than as an aid to responsible decision-making.

26. Consumers has totally failed to demonstrate that there is a genuine "need" for the power to be produced by the proposed Midland facility, particularly given the egregiously high cost of that power and Consumers' historical and long-standing tendency to overestimate its demand projections. At the same time that the estimated cost of the Midland facility has more than tripled, the demand projections on which Consumers bases its "need for power" argument have dropped drastically, to the point where it now appears that regardless of Dow's need for electric power or steam, the proposed Midland nuclear facility is not needed, for at least the next decade. Construction and operation of a nuclear (or other) power plant under such circumstances is grossly wasteful of resources, damaging to the environment, economically burdensome to Consumers' ratepayers, and utterly unjustifiable in terms of the cost-benefit analysis required by NEPA.

27. The inability of the proposed Midland facility to survive a proper NEPA cost-benefit analysis, and the complete

insufficiency of Consumers' "need for power" claims in light of the skyrocketing cost of the Midland facility and Consumers' plummeting demand projections, are emphasized and made even worse by Consumers' (and the NRC's) stubborn refusal to consider fairly and evenhandedly the possibility that energy conservation --both that which results from consumption cutbacks caused by increased energy prices and that which results from other factors, including public awareness of the energy crisis and the National Energy Policy--will even further reduce any alleged "need" (or market) for the expensive power to be produced by the proposed Midland facility. Regardless of whether an intervenor raises energy conservation issues or not, the NRC is affirmatively required to take the lead in exploring and raising such issues, as a matter of its NEPA responsibility, and it has totally failed to do so.

28. Consumers itself admitted to the NRC as early as 1974 that its demand projections were proving to be seriously exaggerated "because of energy conservation". That has continued to be true. Large components of Consumers' demand--for example, residential space heating demand--have actually declined during recent years, and many of Consumers' largest customers have gone on record as committed to a policy of energy conservation and reduced energy consumption. Consumers' "need for power" argument and its demand projections fail to take account of any of these facts, or of any facts concerning energy conservation, including

among other things price elasticity, the Federal Energy Administration's program to increase the efficiency of home appliances, demand-reducing effect of the change in the relationship between average annual residential electric customers' bills and average annual disposable income per household, the continued emphasis on conservation as a result of higher energy costs, the recognition of a continuing energy supply problem, the lack of large new appliances, fewer and smaller new homes being added as a result of high construction costs, and the continued low birth rate.

29. Consumers' contention that commercial operation of the Midland plant is needed in order to assure Consumers of meeting its LOLP criterion of one-day-in-ten-years is inaccurate. First, even if Consumers' long-range forecast is correct, a proper consideration of demand factors shows that the 20% reserve requirement projected by Consumers can be met without the Midland plant. Second, the 20% reserve requirement is itself overstated.

30. Environmental submissions by Consumers and Staff have failed completely to discuss or analyze the absolute and incremental effects upon the environment (including cost benefit and risk benefit considerations) of the entire uranium fuel cycle, including the production of uranium by means and methods not presently developed, such as, for example, the Liquid Fast Metal Breeder Reactor. Neither the original nor

the revised fuel cycle rule or Table S-3 promulgated by the Commission remedies this critical defect, because among other things they were and are illegally and invalidly developed and promulgated, they are not adequately supported by the record developed in connection with their promulgation, they are inaccurate and incorrect, and they fail completely to consider multiple and extremely important issues. For example, it is now known that nuclear waste will be stored on the site of the planned Midland nuclear facility, rather than shipped somewhere else. (No alternative storage site has been found acceptable, contrary to one of the fundamental premises on which the NRC's fuel cycle rule is based.) In particular, for the reasons stated in the preceding paragraph, the complete failure of Consumers and the Staff properly to consider and evaluate the absolute and incremental effects upon the environment of the Uranium fuel cycle means that there is no valid Environmental Report in the proceeding, pursuant to NEPA or 10 C.F.R. §§ 51.20 and 51.21, and that no valid cost-benefit analysis has been made or can be made for the proposed facility. Among other things and apart from the invalidity and inaccuracy of the NRC's fuel cycle rule, even if the rule were valid, it has never been applied in this proceeding other than on an improper and ex parte basis.

31. Not only have Consumers and the NRC completely failed to discuss the serious adverse environmental impact of storing nuclear fuel wastes at the site of the proposed facility, but

also even if those wastes will be stored somewhere else, the NEPA review is fatally deficient for at no point is there any discussion at all of where (other than on-site) such radioactive wastes will be stored and what burden, absolute and incremental, will be placed upon the storage facilities and the surrounding environment as a result of such wastes. The NRC does not even have a site selected for the disposal of such high-level wastes. Therefore, and as a matter of law, there has been no valid cost-benefit or risk-benefit analysis of the storage and disposition of such wastes.

32. Environmental submissions by Consumers and the Staff admit that low-level solid and liquid radioactive wastes will be generated by operation of the proposed plant. There is an inadequate discussion of the character or environmental effects of such radioactive wastes and (in the sense that each radionuclide is not listed either quantitatively or qualitatively) no discussion of the incremental burden on the environment which will be created by such wastes.

33. Consumers' Environmental Report is grossly inadequate, not only for the reasons stated in ¶ 25 above but also because it omits even the minimum necessary information to permit an independent evaluation of the environmental impact of the proposed Plant. Among the information omitted, for example, are responses to the more than 70 questions the Staff directed to Consumers under date of May 22, 1978--many of which



questions indicate that the proposed Plant will not be operated in accordance with the Atomic Energy Act, or the NRC's Regulations, or Consumers' own Application.

34. In accordance with the Notice of Hearing and the applicable regulations, Petitioner has adequately set forth its rights under law to be made a party to the proceedings, and has adequately set forth the possible effect of any order which may be entered in the proceeding on Peitioner's interests. The appropriate affirmation is attached to this Petition to Intervene.

WHEREFORE, Petitioner requests that a hearing be held on the application for an operating license and that it be permitted to intervene in the proceedings.

SAGINAW VALLEY NUCLEAR STUDY GROUP

By Myron Ch  
Its Attorney

Verification

I, Mary P. Sinclair am a duly authorized representative of petitioner Saginaw Valley Nuclear Study Group. I am informed of the matters contained in the foregoing petition to intervene, and affirm that all statements made therein are true to the best of my knowledge and belief.

I am authorized to sign this petition and make this affirmation on behalf of the above named petitioner.

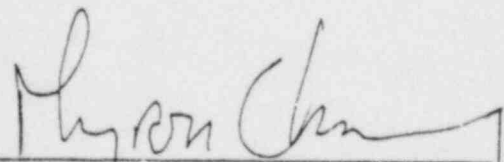
Mary P. Sinclair  
Mary P. Sinclair

June 1, 1978  
Date

APPEARANCE AND REQUEST FOR SERVICE OF DOCUMENTS

I certify that I am the attorney authorized by the foregoing petitioner to prepare and file this Petition to Intervene. I request that copies and papers in these proceedings, including an up-to-date copy of the Application for Facility Operating License and the Applicant's Environmental Report be served upon me at the address stated below. In addition, I request that service of these papers as well as all other papers in these proceedings also be made upon Mrs. Mary Sinclair, as representative of the Petitioner, at 5711 Summerset, Midland, Michigan 48640. This additional service will aid in the analysis and preparation of papers and avoid delays; a failure to serve Mrs. Sinclair in addition to myself will result in a delay in communication and unnecessarily impair the progress of these proceedings.

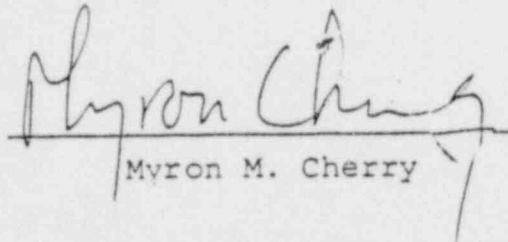
I herewith enter my appearance in these proceedings. I am an attorney in good standing licensed to practice law before the Supreme Court of Illinois, Supreme Court of California, and in the District of Columbia as well as numerous other federal courts including the Supreme Court of the United States.

  
Myron M. Cherry

One IBM Plaza  
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CERTIFICATE OF SERVICE

I certify that this Petition to Intervene is being timely filed in accordance with the Notice of Hearing. An original and 20 copies are being filed by messenger prior to the close of business on June 5, 1978, with the Secretary of the Nuclear Regulatory Commission, Washington, D.C. 20555. In addition, a copy of the foregoing Petition has been sent by first-class mail, postage prepaid, to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; to Michael I. Miller, Esq., Isham, Lincoln & Beale, One First National Plaza, Suite 4200, Chicago, Illinois 60603; and to Lee Nute, Esq., Michigan Division, the Dow Chemical Co., 47 Building, Midland, Michigan 48640; all this 3rd day of June, 1978.

  
Myron M. Cherry