

50-329,330

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))

1-10-72

Docket Nos. 50-329 ✓
50-330



COMMENTS OF AEC REGULATORY STAFF ON MAPLETON INTERVENORS'
RESPONSE TO CERTAIN PORTIONS OF BOARD ORDER
DATED DECEMBER 22, 1971

On December 29, 1971, the Mapleton Intervenor (intervenor) filed a "Response to Certain Portions of Board Order Dated December 22, 1971," setting forth their contentions and positions with respect to the applicant's environmental report. In pertinent part, the order of December 22 directed the intervenors to file on or before December 31, 1971, with respect to the applicant's environmental report:

- (a) their contentions identifying the alleged inadequacies in such report, if any;
- (b) their positions as to those issues for which they believe sufficient data is presented; and
- (c) their requests for discovery which they believe is warranted by the issues they are raising.

Despite its length (more than 7 pages) and the number of its "contentions" (25), the intervenors' December 29 submission does

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

8006300677

Leaving

not contribute significantly to the definition of the environmental issues in this proceeding. Most of the contentions are couched in vague and overly general terms.^{*/} In our view, none of the contentions is stated in reasonably specific detail, and the pleading as a whole is not adequately responsive to the Board's order of December 22.

We note in passing that in several instances the intervenors have merely rephrased a statement in the Introduction to the applicant's supplemental environmental report so as to assert the contrary of the statement. This comment applies to contentions, 6, 8, 12, 13, 14, 16 and 20.

Additionally, a number of the contentions appear to raise issues which were or could have been raised in the radiological health and safety phase of the proceeding, by offer of proof or otherwise. This comment applies to contentions 7, 21, 22, 23, 24 and 25 in their entirety, and to contentions 1, 2 and 3 in part.

Contentions 14 (in part) and 18, we note, appear to cover matters, such as ultimate disposal of high level wastes resulting from spent fuel reprocessing, which are beyond the scope of this proceeding.

For the foregoing reasons, the intervenors' December 29 submission is inadequate and does little "to refine the contested environmental issues in this proceeding" in accordance with the Board's order of December 22.

^{*/} For example, contention 5, an ultimate conclusion:

"5. The alleged benefits of the Midland nuclear plant will not adequately compensate for its huge environmental costs."

Since, by order dated January 6, 1972, the Board allowed the Saginaw Intervenor to defer filing their contentions, etc., with respect to the applicant's environmental report until February 4, 1972, we would have no objection to granting a similar extension to the Mapleton Intervenor for the purpose of enabling them to restate in reasonably specific detail the environmental contentions in their December 29 filing.

Respectfully submitted,

David E. Kartalia

David E. Kartalia
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,
this 10th day of January, 1972.