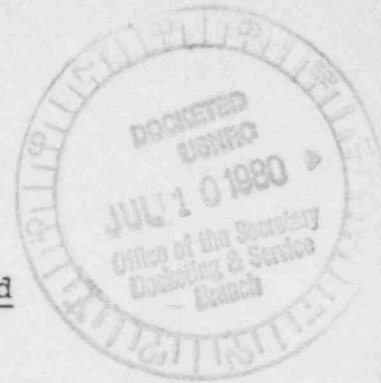


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board



In the Matter of	)	
	)	
CONSUMERS POWER COMPANY	)	Docket Nos. 50-329-OM
	)	50-330-OM
(Midland Plant, Units 1 and 2)	)	
	)	
	)	

ANSWER OF CONSUMERS POWER COMPANY TO  
PETITIONS FOR LEAVE TO INTERVENE  
OF MESSRS. MICHAEL A. RACE AND WILSON,  
AND MS. REIST AND MS. WARREN

Consumers Power Company ("Consumers Power"), pursuant to the Rules of Practice of the Nuclear Regulatory Commission, hereby answers the petitions to intervene filed by Sharon K. Warren, Sandra D. Reist, George C. Wilson, Sr., and Michael 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 hearing and the factual accuracy of their allegations. Further, Consumers Power requests that the petitions and other petitions to intervene

8007140 020

filed in this proceeding be consolidated.

I. INTRODUCTION

The petition of George C. Wilson, Sr., states that he resides in Saginaw, Michigan within twenty-five miles of the Midland plant. He 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, he states that the soil settlement will cause radiation releases if there is an accident at Midland, that such radiation leaks will affect his health and safety interests and real and personal property interests. Further, he declares that any changes in construction may lead to a rise in his electric rates.<sup>1</sup> It should be noted that George C. Wilson, Sr.'s petition is identical to those of Carol Gilbert and William A. Thibodeau, to which Consumers Power responded on July 1, 1980.

Petitioners Warren and Reist similarly allege a residence in close proximity to the plant site. Petitioner Michael A. Race does not state that he resides in close proximity to the plant site, although based on his representation that he resides in Bay City, Michigan, Consumers Power presumes that he does reside in close proximity to the plant site.

---

1. 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).

Petitioners Warren, Reist and Michael A. Race, 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.<sup>2</sup> It should be noted that the petition of Sharon Warren, Sandra D. Reist and Michael A. Race are identical to those of Patrick A. Race and Terry Miller, to which Consumers Power responded on July 1, 1980.

## 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 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.

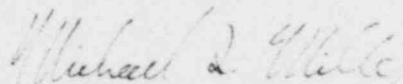
However, Consumers Power reserves the right to oppose the participation of any of these petitioners in the subsequent proceeding in this docket, dependent upon the substance and specificity of the supplemental contentions

---

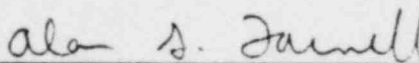
2. See Footnote 1.

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 three of the petitions identical, and that all these petitions are, as pointed out earlier, identical to other petitions in this proceeding, 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,



\_\_\_\_\_  
Michael I. Miller



\_\_\_\_\_  
Alan S. Farnell

Counsel for Consumers Power Company

ISHAM, LINCOLN & BEALE  
One First National Plaza  
Suite 4200  
Chicago, Illinois 60603  
(312) 558-7500

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

_____ )	
In the Matter of )	
CONSUMERS POWER COMPANY )	Docket Nos. 50-329-OM
(Midland Plant, Units 1 and 2) )	50-330-OM
_____ )	

CERTIFICATE OF SERVICE

I, Alan S. Farnell, hereby certify that a copy of Consumers Power Company's Answer to Petitions for Leave to Intervene was served upon all persons shown in the attached service list by deposit in the United States mail, first class, this 8th day of July, 1980.

Alan S. Farnell  
Alan S. Farnell

SERVICE LIST

Frank J. Kelley, Esq.  
Attorney General of the  
State of Michigan  
Stewart H. Freeman, Esq.  
Assistant Attorney General  
Gregory T. Taylor, Esq.  
Assistant Attorney General  
Environmental Protection Div.  
720 Law Building  
Lansing, Michigan 48913

Myron M. Cherry, Esq.  
One IBM Plaza  
Suite 4501  
Chicago, Illinois 60611

Mr. Wendell H. Marshall  
RFD 10  
Midland, Michigan 48640

Ivan W. Smith, Esq.  
Atomic Safety & Licensing Bd.  
U.S. Nuclear Regulatory Com.  
Washington, D.C. 20555

Mr. Gustave A. Linnenberger  
Atomic Safety & Licensing Bd.  
U.S. Nuclear Regulatory Com.  
Washington, D.C. 20555

Dr. Frederick P. Cowan  
6152 N. Verde Trail  
Apt. B-125  
Boca Raton, Florida 33433

Marroll E. Mahaney  
Babcock & Wilcox  
P. O. Box 1260  
Lynchburg, Virginia 24505

Patrick A. Race  
1004 N. Sheridan  
Bay City, Michigan 48706

George C. Wilson, Sr.  
4618 Clunie  
Saginaw, Michigan 48603

Sandra D. Reist  
1301 4th St.  
Bay City, Michigan 48706

Grant Merritt, Esq.  
Thompson, Nielsen, Klaverkamp & James  
4444 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402

Atomic Safety & Licensing Appeal Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. C. R. Stephens  
Chief, Docketing & Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Ms. Mary Sinclair  
5711 Summerset Street  
Midland, Michigan 48640

William D. Paton, Esq.  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety & Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Barbara Stamiris  
5795 North River Road  
Route 3  
Freeland, Michigan 48623

William A. Thibodeau  
3245 Weigel Road  
Route 5  
Saginaw, Michigan 48603

Sister Carol Gilbert  
St. Joseph Convent  
903 N. Seventh Street  
Saginaw, Michigan 48601

Terry R. Miller  
3329 Glendora Drive  
Bay City, Michigan 48706

Sharon K. Warren  
636 Hillcrest  
Midland, Michigan 48640

Michael A. Race  
2015 Seventh Street  
Bay City, Michigan 48706