

UNITED STATES OF AMERICA
before the
NUCLEAR REGULATORY COMMISSION



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

Docket Nos. 50-329
50-330

INTERVENORS' RESPONSE TO
CONSUMERS POWER COMPANY'S
MOTION TO RECALL
SHOW CAUSE PROCEEDINGS

Saginaw and Mapleton Intervenors, by their attorney, hereby oppose the motion of Consumers Power Company to recall show cause proceedings. In support of this opposition, Intervenors state:

1. The Nuclear Regulatory Commission ("NRC") has delegated to an Atomic Safety and Licensing Board responsibility for implementing the Commission's show cause proceedings. That order deprived the NRC of direct jurisdiction on the issues of Consumers Power Company's ("Consumers") motion, and Consumers' motion should be directed to the Licensing Board in the first instance.

2. Consumers' motion is really a broadside attack on portions of the Commission's General Statement of Policy of August 13, 1976. As such, it should be considered as a comment to the General Statement of Policy since the Statement itself sets up a mechanism to receive reactions like the assertions underlying Consumers' show cause proceedings motion.

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3. Even if the Commission were to entertain Consumers' motion, we think it should be denied because:

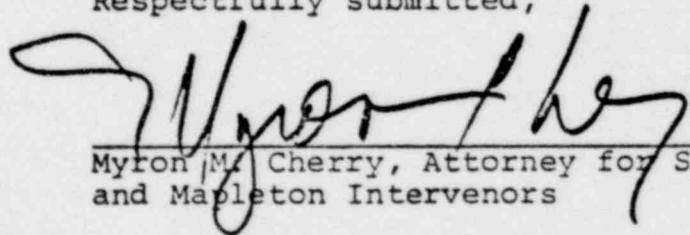
(a) prompt implementation of the Court of Appeals' decision concerning the Midland facility must take place now or the NRC will be joining in Consumers' transparent efforts to build the Midland facility and avoid consideration of any of the environmental and safety issues required to be heard on remand;

(b) Consumers Power Company has not set out any reasons of any nature as to why it might be successful in the Supreme Court and for that reason the equities are on the side of Intervenor in connection with the show cause suspension proceedings; and

(c) the show cause suspension proceedings must move forward promptly since we believe that (if fairly analyzed) the Atomic Safety and Licensing Board will have no recourse but to halt construction of the Midland facility in anticipation of the remanded hearings in connection with energy conservation, an invalid ACRS letter, other environmental issues, and a revised cost analysis including consideration of fuel cycle issues.

For all of the above reasons, Consumers Power Company's motion to recall show cause proceedings should be denied.

Respectfully submitted,



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Dated: August 31, 1976

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CERTIFICATE OF SERVICE

I certify that copies of the attached Intervenors' Response to Consumers Power Company's Motion to Recall Show Cause Proceedings were served upon the following by deposit in the United States mail at One IBM Plaza, postage prepaid and properly addressed, on August 31, 1976:

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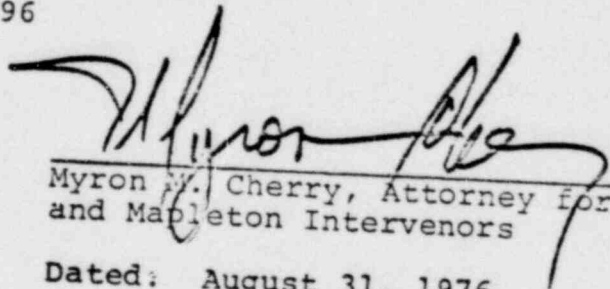
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