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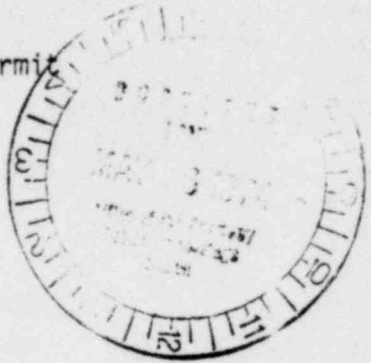
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UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Construction Permit  
Nos. 81 and 82



AEC REGULATORY STAFF OBJECTIONS TO  
SCOPE OF SAGINAW GROUP INTERROGATORIES

On January 23, 1974, the Commission published in the Federal Register a notice of hearing on an order to show cause issued by the Director of Regulation to Consumers Power Company (licensee) concerning quality assurance compliance in the construction of its Midland Plant (39 F.R. 2619). In the notice the Commission specified two issues to be decided by the Atomic Safety and Licensing Board (Board) designated to preside at the hearing. These issues are 1) whether the licensee is implementing its quality assurance program in compliance with Commission regulations, and 2) whether there is a reasonable assurance that such implementation will continue throughout the construction process.

On April 22, 1974, the Saginaw Group, a party to the proceeding mailed what was captioned as the "First Set of Interrogatories Directed to the Regulatory Staff." At page 2, in numbered paragraph 2, it is stated that:

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"In the event that you object to providing information for other than the Midland power facility, please supply the information for the Midland facility and state your reasons you believe information as to Big Rock, Palisades, Fermi-1 and Quanicassee are not relevant or appropriate to the issues which are subject to this proceeding."

The AEC Regulatory Staff (Staff) believes it appropriate at this juncture to register with the Board its formal objection to providing such information rather than setting forth such objections in the format proposed by the Saginaw Group. In the interest of expediting this proceeding we believe that this matter should be resolved at the earliest possible moment so that discovery and other appropriate matters can be undertaken with a clearer understanding by all parties to the proceeding as to the scope of the subject matter to be dealt with in this proceeding.

The Big Rock, Palisades and Fermi-1 facilities have all been licensed for operation by the Commission. The Big Rock and Palisades facilities have been operating pursuant to such licenses for a considerable period of time. <sup>1/</sup> Fermi-1 is a facility which has been licensed for operation for even a longer period than the other two facilities. <sup>2/</sup> Furthermore, with respect to Fermi-1, Consumers Power Company has never been the licensee for that facility. Its only involvement with the construction and operation of that facility was as a member of a combined group

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1 & 2/ The Big Rock facility was licensed 5/1/64 (DPR-6); the Palisades facility was licensed 3/24/71 (DPR-20), and the Fermi-1 facility was licensed 5/10/63 (DPR-9).

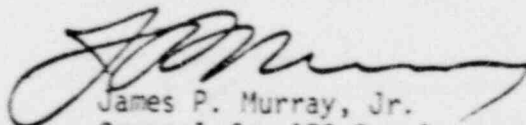
known as the Power Reactor Development Corporation. As to Quanicassee, the application for construction permits submitted by the licensee was docketed by the Commission on February 28, 1973, and is currently in the early stages of review by the Staff.

A fair reading of the Saginaw Group interrogatories gives no indication as to the relevance or materiality of the aforementioned facilities to the issues before the Board in this proceeding. None of the named facilities are under construction and for those of the facilities operated by this licensee all were licensed subject to quality assurance requirements applicable at the time these facilities were licensed for construction and operation.

Accordingly, it is the position of the Staff that unless the Saginaw Group can make a clear showing that information as to these facilities is relevant and material to the issues before this Board the Staff should not be required to provide information with respect to these facilities in responding to the Saginaw Group interrogatories.

For the reasons set forth above, the Staff objects to providing answers to the Saginaw Group's interrogatories with respect to Big Rock, Palisades, Fermi-1 and Quanicassee facilities.

Respectfully submitted,



James P. Murray, Jr.  
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland  
this 3rd day of May, 1974.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff Objections to Portions of Saginaw Group Interrogatories" dated May 3, 1974 in the captioned matter have been served on the following by hand delivery or by deposit in the United States mail, first class or air mail, this 3rd day of May, 1974:

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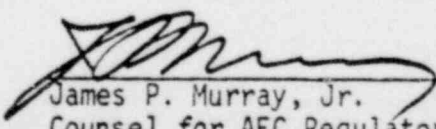
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