

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
CONSUMERS POWER COMPANY)	Construction Permit
(Midland Plant, Units 1 and 2))	Nos. 81 and 82

ANSWER TO BECHTEL INTERVENTION PETITION

Bechtel Power Corporation and its affiliate Bechtel Associates Professional Corporation (hereinafter referred to collectively as "Bechtel") filed a petition under 10 CFR 2.714 to intervene in this proceeding on February 11, 1974. The Bechtel petition responds to an invitation set forth in the Commission's Notice of Hearing on Order to Show Cause of January 21, 1974 (39 F.R. 2619).

In support of its intervention petition Bechtel states, inter alia, that under its contract with Consumers' Power Company (hereinafter the "licensee") it bears "direct responsibility for the design and construction of the Midland Plant, Units 1 and 2, including the implementation of a substantial portion of the Quality Assurance performed on the project pursuant to its Quality Assurance Program." (Petition, p. 2.) In its capacity as a major contractor of the licensee for a number of activities under these construction permits, Bechtel appears to have a significant interest in the resolution of the quality assurance issues which are the subject of this show cause proceeding. However, in the Staff's view Bechtel's intervention should not be unconditional for the reasons which follow.

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Under 10 CFR, Part 50, Appendix B - Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants, it is clear that although a licensee "may delegate to other organizations the work of establishing and executing the quality assurance program, or any part thereof," nevertheless, in the final analysis, the licensee must still "retain responsibility" for Q/A programs. (Paragraph I.) Thus, it is the licensee, and not Bechtel who bears the ultimate responsibility for quality control. This, of course, does not operate completely to subsume Bechtel's separate interests in the issues before the Board. However, it does, we submit, present a situation for invoking those portions of 10 CFR 2.714(e), which allow orders granting intervention to be appropriately conditioned "in the interests of: (1) Restricting ... duplicative, or repetitive evidence and argument, ...". The substantial identity of interests of Bechtel and the licensee warrant the imposition of a general condition on any intervention permitted Bechtel to the effect that Bechtel shall not duplicate evidence or argument of the licensee. ^{*/} Subject to such a condition, the Staff interposes no objection to the Bechtel petition.

Respectfully submitted,

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

Dated at Bethesda, Maryland
this day of February, 1974.

^{*/} It is noted that under 10 CFR 2.757(c) the Board has appropriate authority to control "repetitious, or cumulative cross-examination," a matter which is also of concern in the situation here presented.