



DOCKET NUMBER  
PROD. & UTIL. EAC 50-32933

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)

Docket Nos 50-329  
50-330

9-29-71

ANSWER OF AEC REGULATORY STAFF  
TO PETITION OF THE STATE OF KANSAS

On September 22, 1971, the Secretary of the Atomic Energy Commission received in the captioned matter a combined petition and notice filed on behalf of the State of Kansas by its Attorney General. By this document, Kansas (1) petitions for leave to intervene as a party pursuant to 10 CFR §2.714; and, as an alternative, (2) petitions for leave to "join in the intervention" of intervenors Saginaw Valley Nuclear-Study Group et al.; and, as a further alternative, (3) serves notice of its intent to participate in this proceeding as an interested State pursuant to 10 CFR §2.715(c).<sup>1/</sup>

Kansas indicates in its pleading that the issues it seeks to litigate in this proceeding already have been raised by the Saginaw Valley intervenors and are in that sense "not new to the proceeding". In view of

<sup>1/</sup> The document is addressed to "The Atomic Energy Commission"; however, since the matters contained therein are properly addressed to the presiding Atomic Safety and Licensing Board, we respond as if the document were specifically addressed to the Board.

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this circumstance, and on the understanding that Kansas is agreeable to joining in the intervention of the Saginaw Valley intervenors<sup>2/</sup> as an alternative to intervention as a party in its own right, we would have no objection if the Board allowed Kansas to join the Saginaw Valley intervention.

We understand that by "joining" the Saginaw Valley intervention, Kansas would, in effect, agree to be bound by all rulings now in effect or hereafter made which are applicable to the Saginaw Valley group generally; and that the joinder of Kansas would not result in duplicative presentations, evidentiary or otherwise, on behalf of the Saginaw Valley group as enlarged.

We wish to make clear that we do not concede that Kansas is entitled to participate in this proceeding in its own right. Nor do we concede that all of the issues as to which Kansas has indicated concern are within the scope of this proceeding. Specifically, it is our position that issues as to reprocessing of spent fuel and transportation and ultimate disposal of high-level wastes resulting from reprocessing are outside the scope of this proceeding.

Respectfully submitted,

*David E. Kartalia*

David E. Kartalia  
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,  
this 29th day of September, 1971

<sup>2/</sup> We presume Saginaw Valley intervenors are also agreeable to this