

DOCKET NUMBER
PROD. & UTIL. FAC 79-329,330

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

IN THE MATTER OF)
)
CONSUMERS POWER COMPANY) Docket Nos. 50-329
) 50-330
MIDLAND PLANT UNITS 1 AND 2)

MOTION OF SAGINAW VALLEY, ET AL. INTERVENORS
TO MAKE CERTAIN FINDINGS WITH RESPECT TO THE
STATE OF THE RECORD

Saginaw Valley, et al. Intervenor, pursuant to the rules of practice of the Atomic Energy Commission and in light of the Motion of Saginaw Valley, et al. Intervenor with Respect to ECCS Issues also filed today, move the Board for the entry of orders:

A. That Applicant and the Regulatory Staff have failed to demonstrate reasonable assurance as to the effectiveness of ECCS;

B. That since the construction permit may not be issued without a demonstration of reasonable assurance as to ECCS, there is no need for an environmental hearing which could in no event purge the record of inadequate technical support for ECCS; and

C. That the application is dismissed and the matter remanded to the AEC for further proceedings not inconsistent with this order.

The grounds for this motion are at least as follows:

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1. The record of the rulemaking proceeding aptly demonstrates that ECCS effectiveness has not been demonstrated;

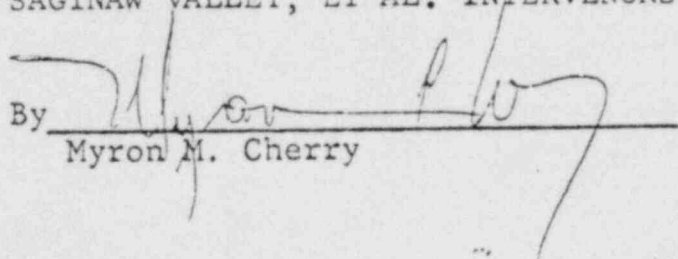
2. The rulemaking docket testimony indicates that pressure vessel failure is not an incredible event;

3. This Board earlier ruled that if pressure vessel failure were credible, it could not and would not issue a construction permit.

Respectfully submitted,

SAGINAW VALLEY, ET AL. INTERVENORS

By


Myron M. Cherry

DATED: May 8, 1972

CERTIFICATION

I certify that copies of the foregoing document were mailed, postage prepaid, on May 8, 1972 to members of the Atomic Safety & Licensing Board, the Secretary of the Atomic Energy Commission and all counsel of record.

Myron M. Cherry