

MAY 25 1973

Peter W. Stekete, Esq.  
Attorney for West Michigan  
Environmental Council, Inc.  
Vander Veen, Freihofer & Cook, P.C.  
950 Union Bank Building  
Grand Rapids, Michigan 49502

POOR ORIGINAL

In the Matter of Consumers Power Company  
(Big Rock Nuclear Plant)  
Docket No. 50-155

Dear Mr. Stekete:

This will confirm our telephone conversation of May 14 in which we discussed amendment of your client's petition to intervene in the subject proceeding by furnishing an affidavit, or affidavits, to conform to the verification requirements of 10 CFR § 2.714(a) as amplified by Northern States Power Company (Prairie Island Nuclear Generating Plant) Docket Nos. 50-282 and 50-306, ALAB 107, March 29, 1973. Prairie Island states, on page 10 of the slip opinion:

"If given a very literal reading Section 2.714(a) might be taken to mean that the relevant facts always must be developed in a document separate and distinct from the petition itself -- i.e., in an affidavit accompanying and in support of the petition. But we do not believe that such a strict construction is necessitated. The purpose of the affidavit requirement would seem to be fully served by the inclusion of the factual averments relating to interest in the petition -- so long as the petition is verified by one or more persons who have direct, personal knowledge of the truth of those averments. Normally this would be either the petitioner or (if the petitioner is an organization and not an individual) officers or members thereof possessing the requisite familiarity with the facts."

8/0260490

The present petition was verified upon information and belief by John McGarry "a duly authorized representation of Petitioner ...". As I mentioned, it is my view that all contentions must be verified by someone having direct and personal knowledge, even though this takes a number of affidavits.

I am enclosing a copy of the Prairie Island ALAB Opinion, and call to your attention the bottom of page 4, the top of page 5, and page 10.

Sincerely,

Charles A. Barth  
Counsel for AEC Regulatory Staff

Enclosure:  
ALAB 107 - Prairie Island

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Mr. Max D. Paglin  
Dr. Harry Foreman  
Mr. Frederick J. Shon  
George Freeman, Esq.  
Judd L. Bacon, Esq.  
Peter W. Steketee, Esq.  
Atomic Safety and Licensing  
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