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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

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In the Matter of:)	
)	Docket Nos. 50-329042
CONSUMERS POWER COMPANY)	50-330042
)	
(Midland Plant, Units 1 and 2)))	<u>Operating License</u>

MOTION TO REQUEST THE ATOMIC SAFETY AND
LICENSING BOARD TO CANCEL THE CONSTRUCTION LICENSE /
AND APPLICATION FOR OPERATING LICENSE HELD BY
CONSUMERS POWER COMPANY FOR THE MIDLAND NUCLEAR PLANT

October 24, 1984

On September 10, 1984, Consumers Power Company (CPCo) issued a letter to the Atomic Safety and Licensing Board stating that, following the shutdown of the Midland nuclear plant in July, they had discontinued all licensing activities concerning the plant and requested the Nuclear Regulatory Commission (NRC) staff to do the same.

The Company also requested permission to discontinue sending audit reports and non-conformance reports to the Licensing Board, the NRC staff and hearing parties. The Company also wants to suspend reporting requirements derived from ALAB-106.

This suspension of all normal reporting requirements for licensing is inconsistent with the Company's desire and intent to keep their construction license and intent to request an extension of the date, as well as to retain their application for an operating license.

and against their Rules

It would be inappropriate for the NRC to relinquish all regulatory requirements and yet allow the Company to maintain and even extend the dates of the construction license, as well as keep in place their application for an operating license.

Furthermore, on information from the Public Service Commission (PSC), in the latest load forecast of CPCo. of August, 1984, ^{the Company} has recalculated its demand for power and reduced its total amount of projected need for power by 500 to 700 mg by the year 2000, compared to its previous forecast. (Submitted by Peter S. Smith of CPCo's Corporate Planning Dept. on Oct. 8, 1984, to the Michigan PSC).

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Thus, this appears to eliminate the need for a substantial amount of Unit 2 of the plant. Unit 1 has been mothballed, because Dow has canceled its steam contract.

In addition, information for the Michigan PSC indicates that the testimony and exhibits of CPCo. in Case No. U-7830 (Midland, Phase I) states that the Company's most recent planning includes the assumption that the project will be totally canceled in 1987.

The July 16 shutdown coupled with a \$7 billion rate request for this non-productive plant, coupled with their latest forecasts of reduction of need for increased capacity and their stated assumptions of 1987 cancellation, means the CPCo. itself has cancelled the project.

Furthermore, there is no indication in this latest forecast that other efforts by industry, cities and individuals to avoid the high costs of power from CPCo. have been factored into it.

For example, last spring the City Council of the City of Saginaw voted to get Saginaw off the CPCo. grid entirely. They stated that they had no intention of allowing the people of Saginaw to pay for any part of the high costs of the badly managed and poorly constructed Midland nuclear plant. The city is now actively seeking other sources of its own municipal power.

There is an on-going study in the tri-county area, Saginaw, Midland and Bay City, to study the feasibility of a trash-to-electricity facility.

This past month, State Senator Connie Binsfeld, along with 10 other people, went on a tour of several European trash-to-electricity operations which have been operating successfully for many years. She has introduced a bill in the Legislature for a model facility in Michigan.

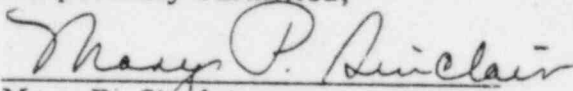
Various communities, i.e. Ann Arbor, Battle Creek, Boyne City, etc. are reactivating low head hydroelectric power facilities already in place to reduce their dependence on the utilities' grid.

A University of Michigan study indicates that there is the equivalent of 4 large power plants available through cogeneration in the waste heat of Michigan's industry. Now that the U.S. Supreme Court has upheld PURPA 1978, utilities are required to buy any additional power from any industrial or individual generators. (New York Times, June 10, 1984)

All these efforts at energy conservation and use of renewable energy indicate that there will continue to be a surplus of power in Michigan.

Therefore, Intervenor Mary Sinclair moves that the Atomic Safety and Licensing Board should cancel the construction license and the application for an operating license at the Midland nuclear plant.

Respectfully submitted,


Mary P. Sinclair

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