

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY 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-OM
) 50-330-OM
) 50-329-OL
) 50-330-OL
)

CONSUMERS POWER COMPANY RESPONSE IN OPPOSITION
TO INTERVENOR MOTION FOR SUMMARY DISPOSITION ON
APPLICANT STATEMENTS OF INTENT AS A BASIS FOR
REASONABLE ASSURANCE JUDGMENTS ON QUALITY ASSURANCE

Pursuant to 10 C.F.R. §2.749(a) Consumers Power Company ("Consumers Power") submits its response in opposition to Intervenor Motion for Summary Disposition on Applicant Statements of Intent as a Basis for Reasonable Assurance Judgments on Quality Assurance ("Stamiris Motion").

I. Stamiris Motion

The essence of Ms. Stamiris' motion is found in III, Summary Statement of Issues for Summary Disposition which reads, "I submit that applicant's promises, commitments, intentions, and plans for the future regarding Quality Assurance, do not constitute genuine issues to be heard in this soil settlement proceeding." The basis for this statement is her belief that "only past performance can afford a

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reasonable basis for assurance of future performance, and that promises, good intentions and plans of the future, do not for the aforementioned reasons, constitute genuine issues to be heard.

II. Ms. Stamiris' Motion is Not a Motion for Summary Disposition.

Ms. Stamiris does not seek summary disposition of any material fact concerning Consumers Power's Quality Assurance program as of December 6, 1979 or its program as constituted today. What Ms. Stamiris does, is request the Board not to consider certain evidence when it reviews those issues. In essence, she has filed a motion to exclude evidence because in her opinion it is not relevant to the issues, viz, only past performance is relevant to the issue of reasonable assurance of future quality assurance performance, and hence promises, good intentions and plans for the future should not be considered.

This is not a summary disposition motion, is inappropriate to consider as such, and is improper.

III. Conclusion

For the aforementioned reasons Ms. Stamiris' motion should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Alan S. Farnell, hereby certify that a copy of Consumers Power Company Response in Opposition to Intervenor Motion for Summary Disposition on Applicant Statements of Intent as a Basis for Reasonable Assurance Judgments on Quality Assurance was served upon all persons shown in the attached service list by deposit in the United States mail, first class, this 5th day of May, 1981.

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