

5/23/83

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Atomic Safety and Licensing Board

DOCKETED  
USNRC

'83 MAY 25 P1:57

In the Matter of:	)	Docket Nos. 50-329
	)	50-330
CONSUMERS POWER COMPANY	)	
	)	
Midland Plants, Units 1 and 2	)	<u>Operating License</u>

INTERVENOR MARY SINCLAIR'S RESPONSE TO  
CONSUMERS POWER CO'S REVISED MOTION TO  
REQUIRE SUBMISSION OF CROSS-EXAMINATION  
PLANS, DESIGNATION OF LEAD INTERVENORS,  
AND ESTABLISHMENT OF TIME LIMITS ON CROSS-  
EXAMINATION

In response to the points that Attorney Michael Miller has raised on cross-examination for the evidentiary hearings beginning June 1, 1983 and subsequent hearings, I have these comments.

I do not agree with the basic premise Michael Miller is making i.e., that it is the intervenors who are contributing most to the extensive record of this hearing.

If Consumers Power Co. and Bechtel had not made the grievous error in compacting soil improperly at the Midland site, this proceeding with all its time consuming and costly aspects would not be necessary. The fact that they knew the soil to be compacted improperly in 1978 and yet went ahead to build 5 safety related buildings on it, is shocking proof of what little concern they have for public health and safety and the basic integrity of this project. The fact that the Nuclear Regulatory Commission was aware in 1978 of the soil compaction problem and yet stood by and allowed Consumers Power Co. to continue construction of safety related buildings on this faulty soil, is another reason for deep concern on the part of citizens. With this background of negligence, no one should wonder why the citizens who are making the extraordinary effort needed to participate in these hearings should be examining all the issues as carefully as possible. After all, it was Consumers Power Co. that called for the hearings in order to forestall further the corrective action attempted by the NRC in their December 6, 1979 Order.

DS03

What should be scrutinized as a real waste of time are the constant and lengthy objections of the Consumers Power Co.'s attorneys to any substantive issue that citizen intervenors wish to raise. It is that tangle of words in their attempt to defend the indefensible that is burdening the record.

In response to the plan offered by the Applicant, I have the following responses.

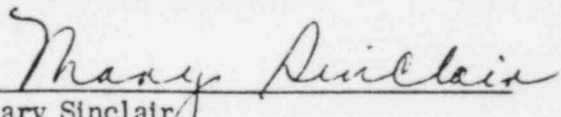
1) I will attempt to file, if possible, cross-examination plans with the Board in accordance with the Commission's May 20, 1981 Policy Statement. It is not always possible to determine the direction that cross-examination shall take, however. That depends on the answers.

2) I expect to do my own cross-examination in areas that are separate from those covered by other intervenors unless it appears to me that they have neglected significant points.

3) I do not agree to this attempt to limit or foreclose Barbara Stamiris' participation.

4) I will make some attempt to estimate the time needed for cross-examination, but I cannot be held to this time frame if the objections of the Consumers' attorneys or of the Staff are so frequent and lengthy that the substantive issues I am trying to arrive at are made difficult to get into the record.

Respectfully submitted,

  
Mary Sinclair

cc: Charles Bechhoefer, Esq.  
Dr. Frederick P. Cowan  
Dr. Jerry Harbour  
James E. Brunner  
William D. Paton, Esq.  
Ms. Barbara Stamiris  
Mr. Wendell H. Marshall  
Secretary, Docketing & Services  
Michael I. Miller, Esq.  
Lynne Bernabei