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March 31, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

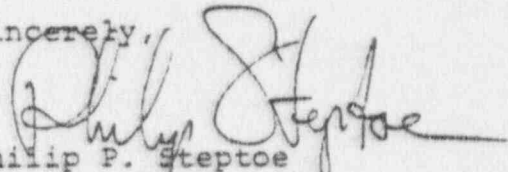
BEFORE THE COMMISSION

In the Matter of)	
)	
CONSUMERS POWER COMPANY)	Docket No. 50-1550LA
)	(Spent Fuel Pool
(Big Rock Point Nuclear Plant)))	Expansion)

Dear Commissioners:

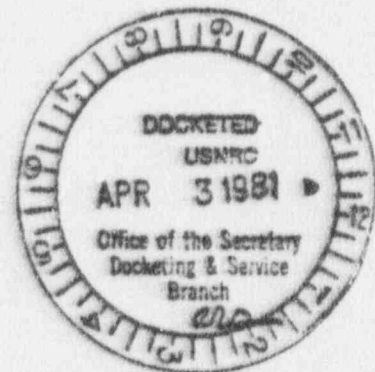
Enclosed is Attachment A to APPLICANT'S RESPONSE TO JOHN LEITHAUSER'S "MOTION AND SUPPORTING BRIEF FOR OFFICIAL NOTICE BY THE COMMISSION" which was filed yesterday. Attachment A was inadvertently not enclosed with our filing. We apologize for any inconvenience this may have caused.

Sincerely,


Philip P. Steptoe

PPS/kb
Enc.

CC: Service List



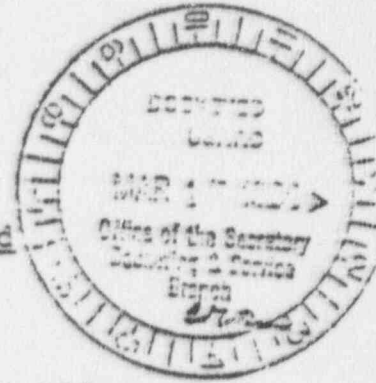
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



Before the Atomic Safety and Licensing Board

In the Matter of
CONSUMER POWER COMPANY
(Big Rock Point Nuclear Plant)

Docket No. 50-155

MOTION TO BE HEARD
ON THE NEED FOR POWER ISSUE

Petitioner, John Leithauser on his own behalf makes the following motions:

To wit, that his brief on the need for power be accepted and accorded the same status as others.

Petitioner prays that the Board grant his motion for the following reasons:

1) The brief of petitioner on the need for power was received by the Board within the maximum time limits established in contact with other parties filing briefs on this question. Consequently, to grant petitioner's motion would cause no delay in the orderly conduct of these proceedings.

2) Petitioner in his brief has raised questions not dealt with in other briefs on the question and thus grant of this motion is necessary for the establishment of a complete record.

3) Failure to grant petitioner's motion is a denial

ATTACHMENT A

DUPE OF
8004-80396

of petitioner's right to protect property interest acquired on his ~~leaving~~ address by his recent marriage on February 16, 1980 (in that it is required that all parties who have substantial interests be allowed to protect them in adjudication).

4) Although this petitioner failed to meet the original deadline, it was because of a misinterpretation. When petitioner discovered on March 10, 1980 that briefs must have been filed by that date, petitioner by contacting Janice Moore by telephone and sending a datagram to the Board, expressed obvious and sufficient desire to protect his rights through the use of administrative adjudication.

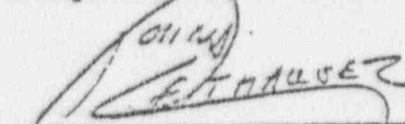
5) If the Board were to rule that petitioner must have filed within the minimum time limits established by the Board, it would be clearly unfair where others have been allowed to conform to the maximum time limits established, even though petitioner filed no earlier motions for extension of time. This is so because the need for establishment of a complete record, applied retrospectively, requires that the Board allow reasonable informality in these proceedings, so long as it does not fundamentally interfere with the orderly conduct of these proceedings. Thus retrospectively, the Board is obligated to hear petitioner as he has conformed to the minimum procedural requirements, has substantial property interests to be protected and has

raised contentions not found in other briefs.

6) The purpose of intervention is to avoid delay, circuitry of actions and a multiplicity of suits. It is further a device to allow parties interested in the subject matter to adjust the matter in one instead of several actions. If petitioner's motion is not granted, he will have no recourse but to seek court review of the Constitutional issues raised, in order to protect his interests. It is thus to the advantage of all parties concerned to hear the issues raised in petitioner's brief on the Need for Power issue.

For all of the above reasons, petitioner requests that the Board grant his Motion to be heard.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "JOHN A. LEITHAUSER", is written over a horizontal line.

John A. Leithauser

350 Route One
Levering, MI 49755

March 12, 1980