

PIRGIM  
590 HOLLISTER BUILDING  
LANSING, MICHIGAN 48933

mailed 7/12/78

July 15, 1978

Freedom of Information Officer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In re: Docket Nos. 50-329 50-330  
FREEDOM OF INFORMATION REQUEST

To the Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, the Public Interest Research Group in Michigan (PIRGIM) requests information as described below.

By letter dated June 26, 1978, Consumers Power Co. filed in the above-captioned docket a copy of its renegotiated agreements with Dow Chemical Company for sale of steam and electricity to Dow from Consumers' Midland nuclear power plant.

The copies enclosed with the letter did not include Section 4.C, which specifies the rates and charges for process steam to be supplied to Dow. We hereby request a copy of Section 4.C, because the furnishing of the information will primarily benefit the general public, as indicated below.

PIRGIM has recently appeared before the Lansing Board of Water and Light, a local municipally-owned utility company, to address the issue of that company's possible purchase of a share of the Midland nuclear plant. The Board has been negotiating with Consumers Power for more than two years, and has drawn up a draft contractual arrangement specifying that the Board would purchase approximately 7% ownership in the facility.

However, the recent renegotiation with Dow has changed the situation such that the Lansing Board of Water and Light will be required to reconsider its draft contract to account for the new agreement between Consumers and Dow.

One of the primary decisions facing the Board of Water and Light is whether the purchase of a 7% share of the plant is the most economical measure by which the Board may meet the future demand in its service area. In evaluating this question, the Board, and other interested parties (such as PIRGIM), would benefit from complete knowledge of information related to costs, revenues and charges involved in the Midland nuclear project. Because the problems which forced Dow and Consumers to renegotiate their agreement are also certain to affect the electrical portion of the plant, including the possible 7% purchase by the Board, we believe release of the information will better enable the Board, and other interested parties (such as PIRGIM), to evaluate the cost issues involved.

7811010013

FREEDOM OF INFORMATION REQUEST: page 2

Presumably, the steam produced in the steam portion of the Midland plant will be available to no customer other than Dow. Also, presumably the Midland plant will be the only external source of such steam to become available to Dow at its facility near the Midland plant construction site. Because neither party is on the commercial market for steam supply or demand, we do not believe the information can qualify as confidential commercial information under the Freedom of Information Act.

Because the furnishing of the information would primarily benefit the general public (by enabling the Board and other interest parties, such as PIRGIM, to better evaluate the possible purchase, and by avoiding possible unnecessary NRC licensing proceedings if the Board should decide against involvement in the project), we urge its release. We also request that the material be made available to us without cost. If any charge is to be involved, please notify us for our approval.

We appreciate your attention to this matter and look forward to your response within the time requirements set forth in 5 U.S.C. 552 as amended.

Sincerely,

Steve Freedkin  
Acting Executive Director

SF/LL