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CLASS: <u>U</u> PROP INFO	INPUT	NO CYS REC'D	DOCKET NO: <u>50-329</u> 330A			
DESCRIPTION: No ltr of trans rec'd with Hearing Transcripts			ENCLOSURES: HEARING TRANSCRIPTS for the Midland Units 1 & 2 PAGES: 180 thru 365 (3 cys rec'd)			
PLANT NAMES: Midland Units 1 & 2						

**THIS DOCUMENT CONTAINS
POOR QUALITY PAGES**

FOR ACTION/INFORMATION 2-20-73 AB

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B. MOTION TO QUASH SUBPOENAS AND INTERROGATORIES

On January 9, 1973, certain municipal utilities, twenty-one in number, filed a joint motion requesting that certain subpoenas duces tecum and interrogatories issued to them be quashed. These twenty-one municipal utilities are non-parties to the instant proceeding. The subpoenas and interrogatories were submitted by the Applicant. On January 19, 1973, the Applicant filed its answer to the motion to quash said subpoenas. After much discussion at the prehearing conference, the Board ruled that the motion to quash should be denied. However, the Board did make certain deletions and revisions prior to ordering compliance with the subpoenas and interrogatories.

I. SUBPOENAS FOR DOCUMENTS

With respect to the documents to be produced in accordance with the subpoenas, the Board ruled that the following paragraphs of the schedule attached to the subpoenas must be complied with by the twenty-one subpoenaed municipal utilities:

Paragraphs:

- | | |
|-------|-------------------------------------|
| 1.a); | 6. - with the exception of furnish- |
| 1.b); | ing information as to State |
| 1.c); | law or any other law; |
| 5.a); | 7.c); |
| 5.b); | 7.d); |
| 5.c); | 8.a); |
| | 9. |

II. INTERROGATORIES

The Board ruled that the twenty-one subpoenaed municipal utilities must respond to the following interrogatories, as revised:

Interrogatories

1. as mod.tr.p. 235; *
- 2; 3.; 5. as mod.tr.p. 238;
- 7.(a).; 9.; 10.; 16.; 17.(a).;
- 17.(b) as mod.tr.p. 264;
- 18.; 19. as mod.tr.p. 265;
20. as mod.tr.p. 266;
21. as mod. tr. p. 271;
22. as mod. tr. p. 272;
23. as mod. tr. p. 273;
24. as mod. tr. p. 274;
25. thru 27. as mod. tr. p. 276;
29. thru 31. as mod. tr. p. 277;
33. as mod. tr. p. 278;
34. and 35. as mod. tr. p. 279;
36. as mod. tr. p. 280;
39. as mod.tr. p. 283;
- 40.(a). and 40.(b) as mod. tr. p. 284;

* as modified on Transcript page

Interrogatories (cont'd)

- 42. and 43. as mod. tr. p. 284.
- 44. as mod. tr. p. 288;
- 45. thru 47;
- 48. 50. and 51. as mod. tr. p. 300;
- 52. as mod. tr. p. 300;
- 53.(a). as mod. tr. p. 300;
- 53.(b). as mod. tr. p. 302;
- 54. and 55. as mod. tr. p. 302;
- 56. thru 60. as mod. tr. p. 304;
- 64. as mod tr. p. 304;
- 65. thru 70.;
- 72. as mod. tr. pp. 306-307;
- 73; 74. as mod. tr. p. 317;
- 80. thru 82.

With respect to interrogatories 45., 46. and one other, the Board ruled that counsel for the subpoenaed municipal utilities may file a legal brief indicating the bases for their conclusion that a confidential relationship exists which bars the production of the information requested in these three interrogatories. The legal brief on the part of the municipal utilities must be filed no later than February 20, 1973, and

Applicant's reply thereto to due at the close of business on February 26, 1973.

By the issuance of this prehearing conference order, the subpoenaed municipal utilities are herewith commanded to comply by no later than the close of business April 2, 1973, with both the subpoenas and the interrogatories, as revised. The municipal utilities have until March 16, 1973, in which to take an appeal regarding the denial of the motion to quash the subpoenas and interrogatories and the Board's order directing compliance.

By its ruling, the Board did not preclude the Applicant from submitting revisions to those paragraphs of the said subpoenas and interrogatories that were either rejected or withdrawn, provided that such submissions are made within a time-frame which will enable this Board to act on these revisions and permit the subpoenaed utilities to include any allowed items in any appeal filed by March 16, 1973.

C. DISCOVERY

The Applicant was advised that it must furnish all documents previously requested by the other parties,

in accordance with the discovery process, no later than April 2, 1973. Similarly, the Department of Justice and the Joint Intervenors were directed to furnish all documents previously requested by the Applicant no later than the close of business April 2, 1973.

The parties were advised by the Board that they may continue discovery up to the date of commencement of the evidentiary hearing in the instant case.

D. HEARING

The Board fixed June 25, 1973, as the date when the evidentiary hearing in this proceeding shall commence. It was made clear to the parties that this is a firm, fixed date.

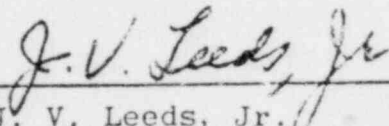
The parties were instructed to exchange lists three weeks prior to the commencement of the evidentiary hearing that would identify the witnesses to be called and the nature of their testimony. In conformity with the Board's earlier prehearing conference order, the parties were advised that trial briefs must be filed with the Board one week prior to the commencement of the evidentiary hearing.

E. FOURTH PREHEARING CONFERENCE

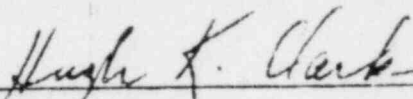
The parties agreed to work out arrangements for the holding of a fourth prehearing conference for the purpose of receiving into evidence various exhibits which each of the parties intend to offer during the course of the hearing.

IT IS SO ORDERED.

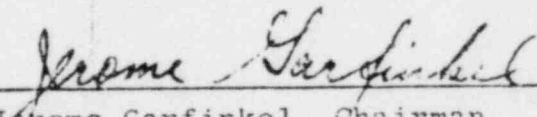
THE ATOMIC SAFETY AND
LICENSING BOARD



J. V. Leeds, Jr.



Hugh K. Clark



Jerome Garfinkel, Chairman

Issued at Washington, D. C.

this 16th day of February 1973.