

DOCKET NUMBER  
PROD. & UTIL, EAC. 50 329,33

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In The Matter of  
CONSUMERS POWER COMPANY  
(MIDLAND PLANT UNITS 1 and 2)

} Docket Nos. 50-329  
50-330

FIRST SET OF INTERROGATORIES  
OF CERTAIN INTERVENORS  
DIRECTED TO MIDLAND NUCLEAR POWER COMMITTEE

Pursuant to part 2 of the Rules of Practice of the Atomic Energy Commission and the Atomic Energy Safety and Licensing Board's order permitting the serving of these Interrogatories and requiring their answer, Intervenors request the following Interrogatories be answered fully in writing and under oath by one or more representatives of Midland Nuclear Power Committee (hereinafter "Committee") who has personal knowledge thereof or is the closest to having personal knowledge thereof. If the Interrogatories are answered by more than one person, whether or not he verifies the answers, and whether or not he is a representative of Committee, such person's name and title should be set forth together with an identification of which Interrogatories he is responsible for answering. To the extent it is applicable, and unless your answer specifically states otherwise, it shall be assumed that each of these answers applies equally to each of the proposed Midland Units 1 and 2.

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The Interrogatories below are to be considered your continuing obligation. Accordingly, after you have answered these Interrogatories, if additional information comes to your attention with respect to one or more of your Interrogatories or your answers thereto, then you are required to amend your answers to provide such additional information.

1.-232. You have received a set of Interrogatories addressed to the Applicant, Consumers Power Company. Those Interrogatories were designed to ascertain information which forms the basis for various opinions or conclusions or assertions contained within the Preliminary Safety Analysis Report for the proposed Midland Units ("PSAR"). Presumably you already have considered and have been privy to such information in the course of your evaluation of the proposed Midland Units or the drafting of your Petition to Intervene or, alternatively, you have not found it necessary or desirable to make such a review in connection with such evaluation or Petition. Accordingly, with respect to each Interrogatory asked of Applicant, if in your evaluation or during the preparation of your Petition to Intervene you have considered the information in whole or in part which is called for by each such Interrogatory, then answer that Interrogatory

to the extent of your knowledge as if specifically asked of you; alternatively, if any such Interrogatory calls for information which you have not considered in your evaluation or during the preparation of your Petition to Intervene, then you do not have to answer such Interrogatory, but in such case with respect to such Interrogatory and the information it calls for, state:

- (a) Why you did not find it necessary or desirable to consider such information in connection with your evaluation of the proposed Midland Units;
- (b) Why you did not find it necessary or desirable to consider such information in connection with the preparation of your Petition to Intervene;  
and
- (c) Do you intend to offer any evidence, written or oral, or introduce any documents in the course of the pending hearing with regard to any of the information called for by each such Interrogatory. If so, list the names and addresses of each person who will be called upon your behalf to offer testimony together with a summary of what each such person's testimony will be and also identify in detail each document or writing which you intend to introduce.

233. Unless otherwise covered by your answers to other Interrogatories (in which case specify such answers), state in detail the following:

- (a) The names, titles and positions of each person whom you presently plan to call upon to introduce oral or written testimony upon your behalf in the course of the pending hearing;
- (b) The area or areas which will be the subject of each such person's testimony; and
- (c) A description of each document or writing (as that term is defined in Interrogatory No. 243 below) which you intend to introduce in the course of the pending hearing in support of your Petition to Intervene or for any other purpose.

If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

234. In connection with Paragraph A.2. of your Petition to Intervene, have you or any of your members, in any of said environmentally related activities studied or considered thermal or nuclear pollution, effects of radiation (whether low level or not), effects of an MHA or LOCA and the

siting of nuclear power plants in Michigan or elsewhere.

If so, describe in detail each such activity including a description and identification of each report which was prepared or is being prepared in connection with such activities. If no such studies have been made, then state why not. If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

235. In connection with Paragraph B.1. of your Petition to Intervene, are the "fruits and benefits of the most modern technology in safety and security" related solely to nuclear power plants or are they related to modern technology in general. If the latter, list each step you have taken directly or indirectly, other than your intervention in this proceeding, to require industry in Midland to use modern technology in safety and security and in the abatement of pollution. If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

236. With respect to your statement in Paragraph B.4. of your Petition to Intervene that the decision taken by the Commission in this matter will affect the health and safety of the members of the Petitioner organization and their

families, state in detail each effect, whether adverse or otherwise, which such decision will have upon the health and safety of the members of the Petitioner organization and their families. Also include within your answer what steps your environmentally conscious organization or its members has taken with respect to abating pollution problems (other than your intervention in this proceeding) from the present industrial installations within the City of Midland, Michigan. For example, did you or your members oppose, support or take any position regarding Dow Chemical Company's and/or Dow-Corning Company's variances from the standards set forth by the Michigan authorities having jurisdiction over air pollution effluents. If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

237. State in detail each fact, calculation and assumption upon which you base the conclusion reached in the second sentence of Paragraph B.5. of your Petition to Intervene. If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

238. State in detail each fact, calculation and assumption upon which you make each of the conclusions,

contentions and allegations set forth in Paragraphs C.1-7 of your Petition to Intervene. Include within your answer a description and identification of and the substance contained in each report, analysis, study or review that you have made, including any report, analysis, study or review of the PSAR, in connection with such conclusions, contentions and allegations. If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

239. With respect to the sentence beginning at the bottom of page 4 and ending at the top of page 5 of your Petition to Intervene, state and describe in detail the "expert testimony" referred to therein which you presently intend to introduce in the proceeding, and describe in detail what you mean by your use of the words, "official notice." If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

240. State the date upon which the Midland Nuclear Power Committee was first conceived, the date of its actual formation and the date of its first organizational meeting. If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth

completely the text of each such other reference or attach a copy.

241. State in detail each fact, calculation and assumption upon which you base your statements, conclusions and assertions contained in the paragraph on page 5 of your Petition to Intervene which begins, "The Petitioner concludes" and ends "the Consumers Power Company." If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

242. Have Applicant, Dow Chemical Company, Dow-Corning Company or any subsidiary of Dow Chemical or Dow-Corning ever been cited for or investigated about a violation or alleged violation of the Atomic Energy Act, any of its rules, regulations or orders, an Atomic Energy Commission license or any of its technical specifications or the rule, order, decree, regulation of any state or other federal agency or official having any manner of jurisdiction over any of their operations which are the subject of an Atomic Energy Commission license. If so, then:

- (a) Describe in detail each instance of each such citation or investigation;
- (b) List and identify in sufficient detail a description of each writing as defined in Interrogatory No. 243 below which is in your

possession or control with respect to each such citation or investigation;

- (c) State and describe the resolution, if any, of each such citation or investigation; and
- (d) State what steps you have taken or suggested or intend to take or suggest to prevent circumstances which led to each such citation or investigation from occurring again or occurring at the proposed Midland Units.

If in your answer you make reference to other than textual (exclusive of footnote) matter in the PSAR, then set forth completely the text of each such other reference or attach a copy.

243. List and describe in sufficient detail so that it can be identified, each document which is in your possession or under your control which relates to, refers to or concerns any of the following:

- (a) Your participation in any way in the designing, constructing or operating of the proposed Midland Units;
- (b) Your evaluation of the proposed Midland Units regarding its siting, its designing, its construction, its safety or its proposed operation;
- (c) Financial aspects of the building, designing or constructing of the proposed Midland Units,

including but not limited to the sale of processed steam; to anyone, for industrial purposes;

- (d) Your decision to approve of a participation in any way in the designing, constructing or securing of a construction permit for the proposed Midland Units; and
- (e) Any Interrogatory or answer to any Interrogatory filed herein.

As used within these Interrogatories, the word "writings" or words of similar import shall include all written, typed, printed and photostated matter, including photographs, duplicate originals, carbon copies, Thermofax copies, photostatic copies and other copies thereof, including drafts thereof, in your possession, custody or control, written, made, delivered or received at any time up to and including March 22, 1971, including, without limiting the generality of the definition, all correspondence, telegrams, memoranda, minutes of meetings, client memoranda, account cards, leases, documents of title, receipts, cancelled checks, bank statements, records of telephone calls, summaries of meetings, agreements, contracts and notes, whether formal or informal.

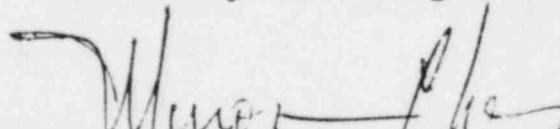
At your option, depending upon convenience to all other parties thereof, instead of answering this Interrogatory

you may choose to follow either the suggestion made in a letter by Myron Cherry to all counsel dated March 8, 1971, or the more formal method of depositions under oath. If you do not so choose by notice to us within ten days after receipt of these Interrogatories, you shall be required to answer this Interrogatory.

Finally, this Interrogatory or any other alternative methods of identifying relevant writings are not intended to call for writings which are subject to a valid privilege; however, you shall be required to describe generally the writings as to which you may claim privilege in order that opportunity for argument thereon may be had.

Saginaw Valley Nuclear Study Group  
Citizens Committee for the Environ-  
mental Protection of Michigan  
Sierra Club  
United Auto Workers of America  
Trout Unlimited  
West Michigan Environmental  
Action Council, Inc.  
Environmental Law Society of the  
University of Michigan Law Students

By

  
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Myron M. Cherry, their attorney

Dated: March 22, 1971.