

Appendix D, 10 CFR Part 50 and 10 CFR Part 20. The Board offered intervenors opportunity to make an offer of proof with regard to factual information on which intervenors base their contentions that Appendix D and Part 20 are invalid and that an evidentiary hearing should be held on these issues.

Any offer of proof by any intervenor with regard to the alleged invalidity of Appendix D, 10 CFR Part 50 or 10 CFR Part 20 shall be filed on or before June 7, 1971.

3. The Board understands from Saginaw intervenors' letter of May 5, 1971 that they do not intend to pursue their objections to the adequacy of the answers of applicant to their interrogatories.

4. At the conference on May 1, the Saginaw intervenors claimed that material in some of the documents of applicant which had been made available to them showed that the so-called "synergistic interrogatories" should be answered. The Chairman suggested that the Saginaw intervenors submit that claim in writing. In their letter of May 5, 1971 Saginaw intervenors asked permission to delay filing that writing until after the Board's written rulings on interrogatories. That ruling has now been made and the Board directs that the written argument be filed by June 1, 1971.

5. In its order dated March 3, 1971, the Board ordered that opposing intervenors file all of their direct evidence in support of their contentions in writing, including written sworn testimony and copies of documentary evidence, if any, in advance of the hearing. In view of the delay which has been occasioned by the dispute with respect

to the interrogatories addressed to the AEC staff, the Board will not require intervenors to file their direct evidence on the issue of the safety of these reactors. However, the Board believes that the principle of advance submission by all parties is sound and consistent with the requirements of fairness and the Administrative Procedure Act and that there is no similar justification for intervenors not filing their direct evidence, if any, on the following issues, in advance of the hearing and they are hereby directed to do so by June 7, 1971:

(a) Whether the applicant is technically qualified to design and construct the proposed facility.

(b) Whether the applicant is financially qualified to design and construct the proposed facility.

(c) Whether the issuance of a construction permit will be inimical to the common defense or security.

The written evidence furnished by intervenors shall include identification of the individual or individuals who will constitute intervenors' witness or witnesses with regard to each subject matter covered by the evidence.

6. The applicant and supporting intervenors shall file their written evidence and supporting documents in opposition to the intervenors' contentions, and in response to any inquiries by the Board, including names of witnesses, on or before June 17, 1971.

7. The hearing will commence at 10:00 a.m. on June 21, 1971 in the Auditorium of the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, Michigan. The Board expects to continue the

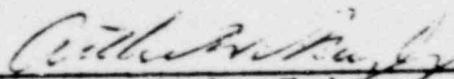
hearing without adjournment, except to recess for weekends and legal holidays, until the hearing is concluded.

8. A further pre-hearing conference shall be held ^{at 9:30 a.m.} at the Association of the Bar of the City of New York, 42 West 44th Street, in New York City on June 7, 1971. The Board expects this to be the last pre-hearing conference before the commencement of the hearing. Its principal purpose will be to expedite the hearing through the identification of particular matters at issue and the scheduling of those matters to be taken up during the course of the hearing. Although it may not be practicable to assign specific dates to each of the matters, the Board plans, prior to the commencement of the hearing, to decide upon the sequence in which particular matters will be heard.

The Board would appreciate receiving written suggestions from the parties as to matters which should be considered at this conference. These should be filed by June 1, 1971.

9. Board will not at this time make further rulings on environmental matters. How those matters are to be handled must await receipt of the final detailed environmental statement.

For the Atomic Safety and
Licensing Board


Arthur W. Murphy, Chairman

Dated: May 16, 1971

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

CONSUMER POWER COMPANY)
(Midland Plant, Units 1)
and 2))

Docket No. 50-329, 330

CERTIFICATE OF SERVICE

I hereby certify that copies of an ORDER (to establish dates and procedures for the remaining pre-hearing steps and for the commencement of the hearing) issued by the Board dated May 18, 1971 in the captioned matter have been served on the following by deposit in the United States Mail, first class or air mail, this 20th day of May 1971:

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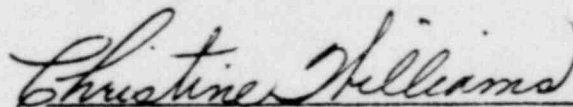
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