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May 4, 1971

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In the Matter of Consumers Power Company
Midland Plant, Units 1 and 2
Docket Nos. 50-329 and 50-330

Gentlemen:

At the close of the conference on May 1, 1971, the Board invited all parties to submit not later than May 4, 1971, proposed orders covering matters discussed at that conference. Transmitted herewith is the proposed order of the AEC regulatory staff.

Respectfully submitted,

David E. Kartalia
Counsel for
AEC Regulatory Staff

Enclosure:
As stated

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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CONSUMERS POWER COMPANY) Docket Nos. 50-329
) 50-330
(Midland Plant, Units 1 and 2))

ORDER

The purpose of this order is to set forth the Board's rulings on various subjects discussed at the conference on May 1, 1971.

1. Resumption of hearing.

The hearing in this matter will resume on June 8, 1971, in Midland, Michigan, at a time and place to be specified in a further order of the Board.

2. Submission of direct evidence in writing.

On or before May 14, 1971, intervenors Saginaw Valley Nuclear Study Group et al. (Saginaw Valley intervenors) and Aeschliman et al. shall submit all of their direct evidence in writing in support of their contentions, including contentions relating to the validity of 10 CFR Part 20. On or before May 28, 1971, or by such later date as the Board may order for good cause shown, Consumers Power Company (applicant), the AEC regulatory staff (staff), and intervenors supporting the application shall serve their direct evidence in writing in opposition to the intervenors' contentions.

3. Statement of legal contentions of Aeschliman et al.

On or before May 14, 1971, intervenors Aeschliman et al. shall serve a detailed statement of their legal contentions.

4. Response of Saginaw Valley intervenors to applicant's answers to interrogatories.

On or before May 14, 1971, the Saginaw Valley intervenors shall serve a statement specifying in what respects, if any, they deem insufficient the information supplied by the applicant in response to their interrogatories. This statement shall include, with respect to each item of additional information sought, a specification of the reasons why such additional information is needed by said intervenors. On or before May 21, 1971, the applicant shall serve a reply to the statement served pursuant to this paragraph.

5. Service of certain documents relied on by Saginaw Valley intervenors.

On or before May 10, 1971, Saginaw Valley intervenors shall serve a list of the documents on which they rely in seeking reconsideration of rulings by this Board sustaining objections of intervenor The Dow Chemical Company to interrogatories propounded to it by the Saginaw Valley intervenors. The Saginaw Valley intervenors shall, at the same time specify the rulings as to which they seek reconsideration and the grounds upon which reconsideration is sought. On or before May 14, 1971, the applicant shall provide the Board with copies of the documents listed by the Saginaw Valley intervenors pursuant to this paragraph. On or before May 21, 1971, intervenor The Dow Chemical Company shall serve a response to the Saginaw Valley intervenors request for reconsideration of rulings.

6. Offer of proof by Saginaw Valley intervenors and Environmental Defense Fund, Inc.

Not later than May 14, 1971, intervenors Saginaw Valley Nuclear Study Group et al. and Environmental Defense Fund, Inc., may serve an offer of proof in regard to their contention that Appendix D to 10 CFR Part 50 is invalid.

7. Interrogatories addressed to the staff by the Saginaw Valley intervenors.

The objections of the staff to items 1 through 233 of the Saginaw Valley intervenors' "First Set of Interrogatories . . . Directed to the Atomic Energy Commission and the Advisory Committee on Reactor Safeguards" are sustained. In addition, none of the interrogatories of such set shall be construed as requiring a response by the Advisory Committee on Reactor Safeguards or any member thereof. On or before May 14, 1971, the Saginaw Valley intervenors shall serve their response to the staff's general objection to the set and such of the staff's specific objections as are not sustained by this order.

The Atomic Safety and Licensing Board

Arthur W. Murphy, Chairman

Dr. David B. Hall

May , 1971

Dr. Clark Goodman