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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

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Docket Nos. 50-329
50-330

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

Rulings with respect to objections to interrogatories
addressed to various parties by Saginaw intervenors.

A. Interrogatories addressed to APPLICANT

1. The Board is of the view that No. 1, as modified by inter-
venors (T. 731) has been answered.

12 and 13. Sustained on the ground that the questions call for analysis
of the consequences of an accident which if found to be a credible acci-
dent would require denial of the construction permit.

17b and 17c (both in part). Sustained on the ground that the questions
call for speculation by applicant about a final design not required at the
construction permit stage.

24 (in part). Sustained on the ground that it calls for speculation as to
matters not in issue in this proceeding.

38-41. Sustained for the reason given with respect to Nos. 12 and 13.

60 (in part). Sustained subject to renewal on a showing that the details
of the program requested are necessary to consideration of an issue in
this proceeding.

81 (in part). Sustained on the ground that thermal discharges are not in
issue in this proceeding.

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90. Sustained on the ground that the information sought is not required to be furnished at the construction permit stage.
92. Sustained for the reason given with respect to Nos. 12 and 13. However, applicant is directed to describe the research or other work being done on the question of the possible effect of thermal shock as a result of the injection of water in the event of a LOCA.
- 108 (in part) and 114 (f). Sustained for the reason given with respect to Nos. 12 and 13.
- 116 and 117. Sustained on the ground that they call for applicant to speculate about the consequences of an unlimited range of possible operator action, and are unduly burdensome.
- 132 (a, c, and d). Sustained on the ground that they inquire into the possible consequences of industrial sabotage, which is not a matter at issue in this proceeding.
- 145 and 146. Sustained because the information sought is not relevant to the issues in the proceeding. Answers to the questions would serve no serious purpose and could embarrass applicant.
156. Sustained subject to renewal for good cause after Intervenors have examined the contracts furnished to them by applicant.
167. Sustained on the ground that the question calls for answers, many of them highly speculative, on matters not at issue in this proceeding.
174. Sustained on the ground that applicant's possible consideration of fossil fuel plants is not relevant to any issue in the proceeding.
- 183, 187, and 195 (all in part). Sustained on the ground that the information sought is not relevant to the issues in this proceeding.
210. Sustained for the reason given with respect to Nos. 12 and 13.

E. Interrogatories addressed to Dow Chemical Company

1 - 232, 289 - 291, and 294 - 306.* Sustained on the ground that these interrogatories are identical to those asked of applicant, the appropriate party to answer them.** Whether Dow did or did not consider information called for by the interrogatories is not in issue in this proceeding. Dow has no burden of proof on any issue and has indicated (in its answer to No. 233) that it does not now intend to offer any affirmative testimony.

234 - 238, 252, 254, 255, 261 (in part), 262 and 264. Sustained on the ground that they seek information relevant to Dow's need for power and preference for nuclear power, matters not in issue in this proceeding.

239, 241, and 236. Sustained on the ground that to answer them would impose a burden on Dow wholly disproportionate to the benefit to Intervenors. If Intervenors make a showing that particular effluents are affected by radioactivity in such a way as to call into question the validity of the Part 20 limits as applied to this plant, they may ask appropriate questions about those effluents.

242, 270 - 273, 283, and 285. Sustained as unduly burdensome. The questions seek information about such matters as Dow's promotional and public-affairs activities, their opinion on radiation effects and their, not applicant's, plans to meter radiation discharges from the plant.

* The rationale of this ruling also applies to the contention of Intervenors that the answers to Nos. 292 and 293 are insufficient.

** To the extent that objections by applicant were sustained, similar objections by Dow would be sustained.

243, 245, 246, and 251. Sustained subject to renewal on good cause after Dow furnishes to Intervenors a list of reports, analyses, and tests of the type asked about performed by Dow.

244 (in part). Sustained on the ground that no good cause is shown for information about Dow employees who have had no connection with this plant.

248. Sustained as unduly burdensome. Dow's consideration of this plant is not in issue in this proceeding.

249. The Board is under the impression that this interrogatory was withdrawn (T. 873), but if not, the objection is sustained on the ground that the information sought is irrelevant to this proceeding.

256, 258, 268, and 310. Sustained on the ground that they are unduly burdensome. These questions seek information about incidents such as the fire at the Rocky Flats plant. Dow's possible culpability for other accidents is, if at all, only remotely related to the issues in this proceeding.

259, 304 - 306. Sustained on the ground that they are unduly burdensome. Our concern here is with the integrity of the system by which process steam is supplied and not with Dow's reaction to possible contamination.

260, 263, 265, 266, and 267. Sustained as unduly burdensome. Dow's reasons for intervention are not an issue in this proceeding, and they have stated in answer to No. 233 that they do not now intend to offer affirmative proof on any issue.

269. Has been answered. (T. 903)

309. Sustained on the ground that under controlling AEC decisions the possibility of industrial sabotage is not being considered by the Board.

311. (in part) Sustained subject to renewal after receipt of the answer by Dow pursuant to discussion at the meeting of Counsel on April 3, 1971. (T. 943)

C. Interrogatories addressed to Midland Nuclear Power Committee.

Intervenors have served a set of 243 interrogatories on Midland Nuclear Power Committee (Midland), 232 of which are identical to Nos. 1-232 served on the Applicant. Midland has answered No. 233 and objected to the rest. The Board hereby sustains the objections subject to a right to renew on a showing the Midland is in possession of information material to this proceeding which is not available from another party.

Although admitted as an intervenor, Midland's participation to date has been minimal. They have stated in answer to No. 233 that they do not intend to offer any affirmative testimony; their cross-examination, as that of all parties, will be subject to the control of the Board. In the circumstances, the interrogatories seem intended more to harass than enlighten.

For the Atomic Safety and Licensing Board



Arthur W. Murphy, Chairman

New York, New York, May 13, 1971

Admiral

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

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

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Rulings with respect to objections to interrogatories addressed to various parties by Saginaw intervenors" issued by the Board dated May 13, 1971 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 17th day of May 1971:

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