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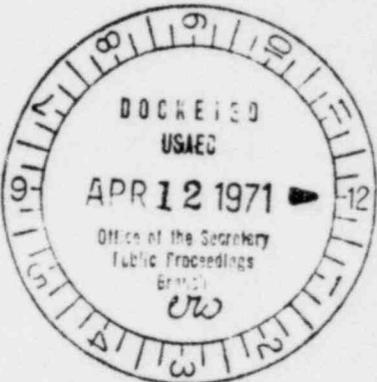
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April 8, 1971



Arthur W. Murphy, Esq., Chairman  
Atomic Safety and Licensing Board  
Columbia University School of Law  
435 West 116th Street  
New York, N. Y. 10027



Re: Docket Nos. 50-329  
50-330

Dear Chairman Murphy:

This letter is in response to your Order of April 3, 1971, requiring the so-called Saginaw Intervenors to submit environmental interrogatories based upon their review of the PSAR and the Staff Safety Evaluation.

As you will recall, during the prehearing conference in New York we mentioned to you that we had some interrogatories prepared in connection with environmental matters but had withheld filing them on the grounds that the environmental issues had not yet been defined in this hearing. We also withheld filing these interrogatories based upon the Board's representation at the January prehearing conference that adequate time would be provided for the serving and filing of relevant environmental interrogatories subsequent to the decision by the Atomic Safety and Licensing Board as to the scope of the environmental issues. At the New York prehearing conference I undertook to submit by April 10 such interrogatories as were already drafted, dealing solely with environmental issues.

Upon returning to my office and going over the drafted interrogatories with Mr. McCue, we concluded that they merely scratched the surface of the questions we proposed to ask if this hearing were, as is required by law in our opinion, to deal with the environmental issues in a full and complete manner. Accordingly, it does not seem sensible

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hearing

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at this point to file a few interrogatories leaving the impression that all of the environmental questions have been raised. Moreover, since the Board has yet to decide the relevant legal issues, and the Staff has yet to file its Detailed Environmental Statement, it appears to us that the spending of time and limited funds to complete a searching inquiry into environmental matters now would be burdensome at the least and incomplete at best, and we cannot choose to pursue a half-hearted effort. The time to accomplish the task is when everyone is directed to the same goal. EDF and we are filing our reply to opposition to our joint motion, and we will have more to say on this point.

On April 5 and 6 we were in Jackson, Michigan reviewing Applicant's documents. Applicant was cooperative in making available to us much of what we wished to see. Copies of the documents we selected are being processed, and we would hope to have them for review the week of April 12. There were categories of documents we wished to see but were not permitted to do so. We will have to await a detailed review of the documents and answers to interrogatories when we receive them to determine whether to place this question formally before the Board.

In reviewing Applicant's documents, it was apparent to us that critical decisions as to synergistic effects and the tertiary steam system (reboilers) was and is being made by Dow, Bechtel and Babcock & Wilson (B&W) with Applicant taking the position that it is relying upon Bechtel and B&W to both design a plant to meet AEC requirements and satisfy Dow's requirements for process steam, including the resolution of Food and Drug Administration problems. Were we in the possession of such documents in New York, we believe the Board would not have sustained many of Dow's objections to interrogatories. Moreover, if the Board is inclined to rule in favor of Dow on the deferred matters, we ask that the Board await a viewing of such further information as we have found. Additionally, we believe what we found in Applicant's documents will be sufficient to require Dow to produce documents and therefore trust the Board will rigorously enforce Dow's obligation to provide a listing of documents required by the Board's ruling in New York.

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While in Jackson, we discussed the necessity of viewing relevant documents only in the possession of Bechtel and B&W, that is, documents which were a part of the development of the PSAR, etc., but which Applicant does not possess. I have concluded that it makes more sense to await a viewing of such documents and evaluate information thus far produced or being produced, in an effort to narrow the demands to be made upon Bechtel and B&W. The alternative is pressing discovery of documents now which I would think would be unruly, since many scientific issues of contest have yet to be framed.

By this letter we also move the Board to:

1. Remove the May 1 deadline for the filing of Intervenors' direct testimony;
2. Remove the May 17 date for hearing;
3. Provide by rulings for adequate pre-hearing discovery and preparation; and
4. Re-schedule dates for hearings, etc., far enough in the future so that work can be done in order for the hearing to be meaningful.

In support of our motion we cite the following:

- (a) The Detailed Environmental Statement is not yet prepared;
- (b) Applicant has filed two amendments to the PSAR within the last three weeks;
- (c) The Staff has not completed its culling of documents, a task begun in December, 1970;
- (d) The resolution of certain interrogatories directed to Dow, Applicant and Midland Nuclear Committee remains open;
- (e) The Staff has not yet formally responded to our interrogatories, except to state that they have neither the time nor the inclination to answer them;

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(f) Applicant's answers to interrogatories and documents have not yet been received, let alone analyzed;

(g) The environmental issues have yet to be decided;

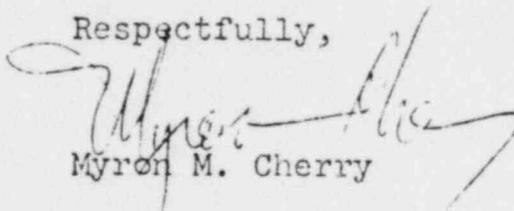
(h) Questions presented, if any, by Applicant's and Staff's answers to interrogatories have yet to be presented;

(i) The reviewing of relevant documents in the possession of Bechtel, B&W, Dow and the Staff has not yet been started;

(j) Discovery upon environmental matters is at a standstill; and

(k) The scientific and other related issues have yet to be framed by the discovery process.

Respectfully,



Myron M. Cherry

MMC/sm

cc: Dr. David B. Hall  
Dr. Clark Goodman  
Secretary, U. S. Atomic Energy Commission  
All Counsel of Record