

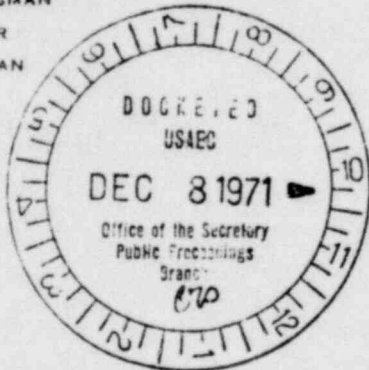
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December 6, 1971



Arthur W. Murphy, Esq.
Chairman
Atomic Safety & Licensing Board
Columbia University School of Law
435 West 116th St. - Box 38
New York, New York 10027

Re: Consumers Power Co.
(Midland Units 1 and 2)
Docket Nos. 50-329-50-330

Dear Mr. Chairman:

The proposed order submitted by Dow is in general principle acceptable to us. The time to reply to the draft statement should be extended to 15 days after receipt of the last comment by federal and state agencies inasmuch as Applicant is given time to respond to those comments. Any attempt to specify when the Staff must produce the draft or final statement is at odds with the Staff's primary obligation which is to develop all of the relevant facts. We do not doubt the Staff's determination to expedite its investigation consistent with its statutory and administrative obligations. Setting deadlines only interferes with those duties and unnecessarily questions the Staff's dedication.

Applicant's suggestion that specification of contentions should precede presentation of all the facts is inconsistent with the purpose of this proceeding which is first to develop all of the facts. Ideally and properly that development should come from the Staff. Once all facts are developed the parties can finally

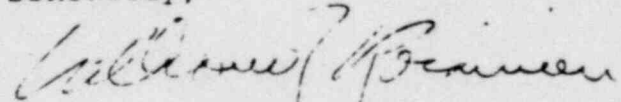
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state their contentions and the Board can finally state its contentions. To the extent the Point Beach ruling is in conflict with these principles we respectfully submit that it is in error and we urge this Board to avoid similar error. We of course, will continue to voluntarily advise the Board of our contentions, without prejudice to subsequent submissions, in an attempt to expedite this proceeding as much as possible.

Sincerely,


Anthony Z. Reisman
Counsel for the Environmental
Defense Fund, Inc.

AZR/ah

CC: All Parties of Record