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June 9, 1971

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

Re: Consumers Power Company (Midland  
Units No. 1 and 2)  
Docket Nos. 50-329/50-330

Dear Mr. Chairman:

I understand that at the June 7 pre-hearing conference some concern was expressed by the Applicant because I was not present. The reason for my absence is that at this time, as a result of the Board's rulings, EDF has no further case to present.

Our Motions with respect to the invalidity of Appendix D and with respect to an offer of proof on that issue have been denied. In its order of May 18, 1971, the Board ruled that the manner of handling environmental issues must await receipt of the final detailed environmental statement. On June 4, 1971, EDF filed its comments on the draft environmental statement in order to facilitate the preparation of the final statement by the AEC. Thus we, like the Board, are waiting to see the final detailed statement before we proceed further.

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We cannot understand why Applicant is so exercised over our failure to attend the June 7 pre-hearing conference. In the letter of June 1 there is no suggestion that environmental issues should be the subject of discussion at the June 7 conference. EDF cannot spend its funds to attend pre-hearing conferences at which no issues raised by it can or will be discussed.

Obviously when the detailed environmental statement is filed we will have something to say on the subject and if a conference on the matter is necessary we will be glad to attend. As far as our challenges to Appendix D are concerned we respectfully reserve the right to pursue the appellate remedies guaranteed by the Atomic Energy Act.

EDF does not intend to participate in the hearing until such time as environmental issues are involved or the issue of compliance with Appendix D is raised.

Sincerely,

*Anthony E. Roisman*  
Anthony E. Roisman  
Counsel for the Environmental  
Defense Fund, Inc.

AZR/aw

CC: All Parties of Record