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December 8, 1971

Hon. Arthur W. Murphy, Chairman
Atomic Safety and Licensing Board
Columbia University School of Law
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New York, New York 10027

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

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

Dear Chairman Murphy:

In their December 3rd response to Mr. Wessel's draft order of November 24, 1971, which is nowhere entitled a motion, counsel for the Mapleton Intervenors included the paragraph:

"Mapleton requests (and this may be deemed a motion to such effect) that it be furnished with all documents which were consulted or relied on by applicant and Staff in preparing their environmental submissions."

We find the parenthetical expression, above, somewhat enigmatic. At first glance, it might be thought that a motion is, in fact, being made. However, additional consideration makes it obvious that none of the AEC rules, contained in 10 CFR, Part 2, concerning the filing of motions have been followed: e.g., place of filing, number of copies, form, etc. Therefore, it appears that no motion has been filed and that the requirements which ordinarily follow a properly filed motion have not been triggered. In the circumstances, it appears that the Mapleton Intervenors are merely purporting to extend to the Board, albeit in a somewhat offhand manner, the privilege of treating their request as a motion.

In order to avoid any misunderstanding, the Applicant wishes to make it clear that it strongly opposes Mapleton's request or "motion". Even if the Mapleton Intervenors had

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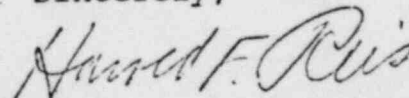
Hon. Arthur W. Murphy, Chairman
Atomic Safety and Licensing Board
December 8, 1971
Page Two

made their request in the form of a motion, there would be no basis for granting it. A demand for all documents consulted, without any recitation of particularity as to how any specific document or group of documents may reasonably be expected to aid Mapleton in its cause, is surely nothing more than a time and money consuming fishing expedition which cannot serve the legitimate end of this proceeding.

Perhaps more important than any of the foregoing is the fact that the language in the parenthesis evidences an attitude of complete disregard for the Commission's rules of practice. If permitted to go unbridled, such an attitude must result in a formless, uncontrolled and inordinately lengthy proceeding. The Applicant recognizes that relaxation of strict procedural rules may frequently be appropriate in administrative proceedings and has no objection to such relaxation where it affirmatively serves the underlying fact-finding and policy making objectives. However, those objectives cannot be served if counsel or parties are encouraged or allowed to behave in a totally undisciplined manner. We therefore strongly urge that the Board make it clear that it will hereafter enforce the procedural rules in a manner which prevents intervention from being utilized as a license to disrupt.

Copies of this letter have been sent to all of the individuals whose name appears on the attached list.

Sincerely,



Harold F. Reis

HFR/br

Attachment

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