

DOCKET NUMBER 50-329
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REILLY, LIKE AND SCHNEIDER

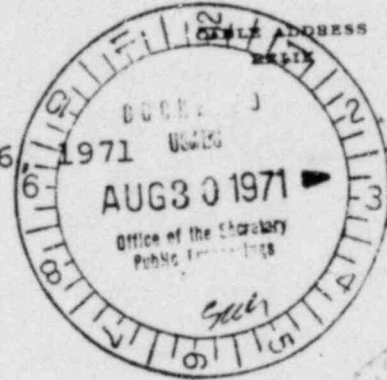
COUNSELLORS AT LAW
200 WEST MAIN STREET

BABYLON, N. Y. 11702

MOHAWK 9-3000

VINO LIKE
EDWARD J. REILLY
LEON H. SCHNEIDER
GEORGE HOFFMAN
EDWARD A. BROOKS JR.
JUL R. ADES

August 26, 1971



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

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

Dear Mr. Chairman:

Mapleton intervenors oppose applicant's motion dated August 18, 1971 fixing date for discovery motion concerning NEPA issues.

Applicant wants discovery to proceed on these issues before the AEC issues appropriate regulations to implement the Calvert Cliffs decision and without waiting for the Staff's issuance of its NEPA statement.

This is putting the cart before the horse. Discovery is premature at this time.

Until the AEC has fully complied with Calvert Cliffs and adopted valid regulations implementing NEPA, and until the applicant submits new or supplemental environmental reports, and until the Staff issues a new NEPA statement, it is not possible to comprehensively frame the items as to which discovery will be requested.

Furthermore, if Mapleton's motion to dismiss the application is granted, discovery will not be necessary.

If the Board denies this motion, Mapleton intends to move for an order requesting the Board, and permitting intervenors, to physically inspect the reactor pressure vessel and all other components under fabrication, and for discovery of all associated documentation. The scope of such inspection and discovery may depend on the content of the Board's decision.

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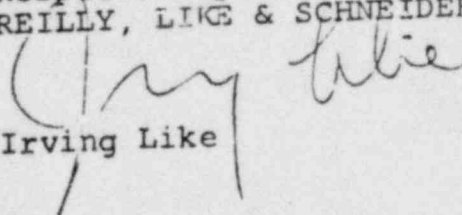
August 26, 1971

Arthur W. Murphy, Esq., Chairman
Atomic Safety and Licensing Board

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Lastly, Mapleton does not by this letter waive its right, upon issuance of the AEC's new regulations implementing NEPA, to move for dismissal of the application on whatever legal grounds may be appropriate on examination of the state of the record in the light of such new regulations.

Respectfully
REILLY, LIKE & SCHNEIDER


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copy to:
Arthur W. Murphy, Esq., Chairman
Atomic Safety and Licensing Board
General Delivery - P.O. Box 340
Wellfleet, Mass. 02667

ASLB members
Secretary
All counsel of record