

RELATED CORRESPONDENCE

LAW OFFICES

MYRON H. CHERRY

ONE IBM PLAZA

CHICAGO, ILLINOIS 60611

(312) 565-1177



BUCKET NUMBER

PROD. & UTIL. ~~FAR~~ 50-329330

December 29, 1976

Dr. Emmeth A. Luebke
Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Dr. J. Venn Leeds
10807 Atwell
Houston, Texas 77096

Frederic J. Coufal, Esq., Chairman
Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Consumers Power Company
Midland Proceedings

Gentlemen:

I enclose two letters of December 29, 1976, one to the Board and one to counsel for Consumers. The letters contain various information that I thought the Board should be apprised of, including status of Interrogatories submitted to Consumers and the status of production of documents.

The Board's order of December 23, 1976 required the parties to get together on the schedule of witnesses. There is no agreement between Consumers and myself regarding the schedule of witnesses, although my understanding is that Dow Chemical and the Regulatory Staff would have no objection to the schedule I proposed. The schedule I have proposed (and supporting reasons) appear at pages 2-4 of the enclosed letter of December 29, 1976 to Mr. Renfrow and additional reasons are included in the P.S. to the enclosed December 29 letter to the Board.

Since the enclosed letters were written at various stages of telephone conversations with Consumers' lawyers and others, I thought I would send this cover letter to indicate that Consumers refuses to produce witnesses in accordance with a reasonable schedule and as required by earlier Board rulings, and I ask the Board to order the schedule which I have set out in the enclosed December 29 letter to Messrs. Rosso and Renfrow.

The other request I have made is set forth in the enclosed 3 page letter to the Board which includes a request for continuation of the hearing, if necessary, the week of January 24 and thereafter.

8007291066

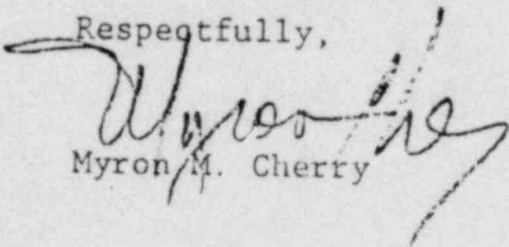
Q

329
H4

Drs. Luebke and Leeds and Mr. Coufal
Page Two
December 29, 1976

I presently do not see any problem in discovery with Consumers if they keep their word on representations made to me, and I will let the Board know as soon as possible if there is a problem.

Respectfully,


Myron M. Cherry

MMC:es
enclosures

cc: Mr. C. R. Stephens ✓
Lawrence Brnner, Esq.
R. Rex Renfrow, Esq.
David J. Rosso, Esq.
L. F. Nute, Esq.
Mr. Steve J. Gadler
Mrs. Mary Sinclair