

March 20, 1971

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Myron M. Cherry, Esq.
McDermott, Will & Emery
111 West Monroe Street
Chicago, Illinois 60603

In the Matter of Consumers Power Company
Midland Plant, Units 1 and 2
Docket Nos. 50-229 and 50-330

Dear Mr. Cherry:

This is in response to your letter of March 8, 1971, to all counsel of record in the Midland proceeding. In your letter you propose a meeting of counsel and technical representatives for all parties at which representatives for the Saginaw Valley intervenors would "be permitted informally...to question the technical representatives as to the kinds of documents available so that they can be listed and categorized more specifically."

As you will recall, we have already made available to you a number of documents and a list of certain other documents. The documents previously made available comprise (1) AEC Division of Compliance inspection reports relating to the Midland Plant, which were hand-delivered to you on December 1, 1970, in Midland, Michigan, and (2) documents of the types referred to in 18 CWR 2.743(g), which were transmitted to you under cover of a letter from Thomas F. Bagelhardt dated February 17, 1971. Our list of other documents, furnished to you with the inspection reports on December 1, 1970, identifies 159 different items. Incidentally, upon reviewing our list, we find that we must take exception to the request in your March 8 letter to the effect that the list is too general to form the basis for a concise request or motion for production. Listed documents are in fact identified quite precisely.

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In addition we are completing a review of our files in order to determine which of our internal documents may be made available in response to your pending motion for production. Upon completion of our review, copies of all such documents will be sent directly to you, subject, of course, to such deletions as may be authorized pursuant to 10 CFR Section 2.744. Copies of internal documents which are not subject to disclosure under 10 CFR Section 2.744 will be produced in accordance with the Commission's rules for in camera inspection by the presiding atomic safety and licensing board.

In view of the foregoing, we believe that no useful purpose would be served with respect to AEC regulatory staff documents by a meeting of the type proposed in your letter of March 8, 1971.

Sincerely,

Signed: D.E. Kartalia

David E. Kartalia
Counsel for AEC Regulatory Staff

bcc: OGC Files Beth/GT/Docket
REG Files
DRL - Dr. Morris

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