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May 20, 1971

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

Dear Chairman Murphy:

The second full paragraph on page two of the
Saginaw May 13, 1971 letter reads:

"Mr. Chairman, this is a contested case,
and we will not permit communications with
respect to the issues to be heard between the
vendor of the Applicant and the Atomic Energy
Commission without our having knowledge and
indeed without a representative of Intervenors
being present at any meetings." (underlining
added)

No rule precludes parties to a proceeding from
communicating with each other, or requires that any other
party be permitted to be present or even have knowledge of
the event. Disclosure alone may be appropriate to the ex-
tent that "good cause" is shown for discovery or inquiry on
cross-examination at a Hearing is proper.

The second full paragraph on page 2 of the Saginaw
letter is far broader in scope than the original document
request made by Saginaw. Consumers Power's responsive tele-
gram states only that it "has no objection to [the] motion

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Hearing

Arthur W. Murphy, Esq.

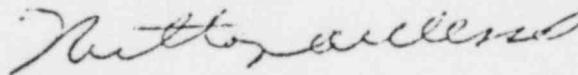
May 20, 1971

for production of reports of emergency core cooling systems tests at Idaho reactor test facility."

We object again to continued Saginaw impertinences, such as "We trust that this means the Board is in earnest," or "why the Board only saw fit to require answers to a miniscule percentage," or "we are requiring production," or "we will not permit communications."

On April 14, 1971, Dow furnished the responsive information referred to in the Board's May 13, 1971 Order sustaining its objections to Saginaw Interrogatories 243, 245, 246 and 251, and 311 (See Dow Memorandum served April 14, 1971, Item 1, especially subparagraph [b].) Indeed, Saginaw has had the Dow document list since December 1, 1970, and has paid no more attention to it than it did for one-third year until April 5, 1971, with respect to Applicant's documents also produced on that date.

Respectfully,


Milton R. Wessel

MRW:sk1

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