

RELATED CORRESPONDENCE



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

5/4/77

In the Matter of )  
CONSUMERS POWER COMPANY ) Docket Nos. 50-329  
(Midland Plant, Units 1 and 2) ) 50-330

INTERVENORS' RESPONSE TO CONSUMERS'  
MOTION OF MAY 4, 1977 TO ASSESS COSTS

Intervenors and their counsel hereby oppose Consumers' Motion for costs for at least the following reasons:

1. The statements made in that Motion by Consumers' counsel are incorrect;
2. Consumers then builds on their own incorrect statements by drawing incorrect inferences;
3. The facts surrounding the production of Dr. Timm are as I have stated and we will not repeat them here;
4. The Board is without authority to entertain Consumers' Motion, and we fully believe Consumers' Motion was filed in an effort to detract from earlier Motions filed by us and pending before the Board which go to the manipulation of testimony by Consumers Power Company in this proceeding. In fact, the Board still has pending before it its own Motion to investigate the preparation of Dow testimony by Consumers' counsel;
5. The Motion is highly improper and is unsupported by any Affidavit as it could not be since the matters and inferences

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contained in the Motion are created out of whole cloth.

Respectfully submitted,

*Myron M. Cherry*

Attorney for all Intervenor  
except Dow Chemical Company

Dated: May 9, 1977

MYRON M. CHERRY  
One IBM Plaza, Suite 4501  
Chicago, Illinois 60611  
(312) 565-1177

PROOF OF SERVICE

I hereby certify that a copy of the foregoing INTERVENORS' RESPONSE TO CONSUMERS' MOTION OF MAY 4, 1977 TO ASSESS COSTS was served in person on members of the Atomic Safety and Licensing Board Panel and counsel for Consumers Power Company, the Nuclear Regulatory Staff and counsel for Dow Chemical, on May 9, 1977, at the Allerton Hotel, Chicago, Illinois 60611, and served on the same date by mail, postage prepaid, properly addressed, to the Office of Docketing and Services, U. S. Nuclear Regulatory Commission, Office of the Secretary, Washington, D. C. 20555.

*Robert H. [unclear]*