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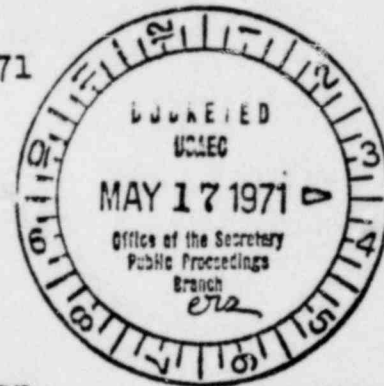
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May 13, 1971

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THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

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

Dear Chairman Murphy: ..

This is in opposition to the Saginaw May 11, 1971 letter requesting a further and indefinite postponement of the Hearing.

The Power Reactor case makes very clear that continued development is a touchstone of present nuclear power production technology. If inquiry is to be postponed every time there is a possibility of something new or better, inquiry may never start.

Moreover, it is clear that Saginaw will seize on any new fact to demand delay, just as they recently did when they were furnished the Applicant-Dow contract and other Applicant documents available beginning December 1, 1970.

Indeed, one of the reasons Dow has opposed improper Saginaw discovery demands rather than simply furnish the information to get on, is our belief that production of one irrelevant piece of paper will serve only to stimulate demand for production of a second irrelevant document referred to in it, and on and on ad infinitum, accompanied by charges that disclosure of the first constitutes admission of significance and precludes later objection.

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hearing

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER

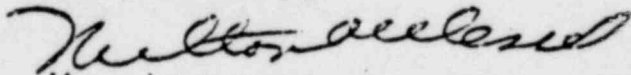
Arthur W. Murphy, Esq.

May 13, 1971

In view of the Saginaw use of procedural discretion for tactical advantage, we believe thi Hearing can proceed to a fair final determination only if procedural regularity is adhered to with strict rigor, and the proceedings are confined tightly to the issues and related discovery and evidence as defined by the AEC Regulations and the law. Informality and good faith negotiations will not work.

We believe the Hearing should commence on June 1, 1971, and proceed from day to day thereafter. Areas in which new information is needed can be postponed while other matters are heard. A requirement that all be done before we start, effectively means no beginning.

Respectfully,



Milton R. Wessel

MRW:skl

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