UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of
CONSUMERS POWER COMPANY
(Midland Planc, Units 1 and 2)

Docket Nos. 50-329 50-330

CONSUMERS POWER COMPANY'S MOTION FOR LEAVE TO FILE ITS RESPONSES TO INTERROGATORIES

Consumers Power Company ("Licensee") moves the Atomic Safety and Licensing Board ("Board") for leave to file the attached responses to interrogatories addressed to it by Intervenors other than Dow ("Intervenors") on January 12, 1977. The responses were due on January 10, 1977. In support of this motion, Licensee states as follows:

- 1. The interrogatories were received by Licensee's counsel on December 27, 1976. These interrogatories were later amended by letter of December 29, 1976 (mailed to Licensee's counsel on December 30, 1976) and by letter of January 3, 1977. In certain instances, the amendments requested additional information not requested in the original set of interrogatories (see amendment of 12/29/76 to interrogatory 5).
- 2. At the time of receipt of the interrogatories, Licensee's counsel were engaged in preparation of the Brief and Affidavits regarding the preparation of Mr. Temple's 8007280 82

testimony, filed on December 30, 1976; in continued production of documents for discovery; and in preparation of Licensee's Motion and Brief on the issues to be addressed by this Board, which will be filed shortly; as well as in meeting professional obligations not connected with this case.

- 3. Licensee and its counsel have attempted to respond as fully as possible within the time available to those interrogatories as to which Licensee has no objections. It was simply unable to complete all of its responses by January 10, 1977. Moreover, due to an unusual delay in the mails, verification of the responses by Mr. Howell could not be provided until January 12, 1977.
- 4. Licensee is serving its responses on counsel for Intervenors by messenger on January 12. It will serve the responses on the Board and Staff counsel in Washington by messenger on January 13. Consequently, the parties will not be prejudiced by the two day delay in responding, since messenger delivery will obviate delays in the mails.

For all of the foregoing reasons, Licensee requests the Board to grant its motion for leave to file on January 12, 1977.

Respectfully submitted,

David J. Rosso

Isham, Lincoln & Beale One First National Plaza Chicago, Illinois 60603

Counsel for Consumers Power Company

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of
CONSUMERS POWER COMPANY
(Midland Plant, Units 1 and 2)

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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached

"Licensee, Consumers Power Company's, Answers and Objections

To Interrogatories From All Intervenors Except Dow Chemical

Company, Dated December 27, 1976" and "Motion For Leave To

File Its Responses To Interrogatories", dated January 12, 1977

in the above-captioned proceeding, have been served on the

following by hand delivery this 12th day of January, 1977:

Myron M. Cherry, Esquire One IBM Plaza Suite 4501 Chicago, Illinois 60611

The following will also be served by hand delivery on the 13th day of January, 1977:

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

Lawrence Brenner, Esq.
Nuclear Regulatory Commission
Washington, D.C. 20555

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

Dr. J. Venn Leeds, Jr., Esq. 10807 Atwell Houston, Texas 77096 The following have been served by deposit in the United States mail, first-class, this 12th day of January, 1977:

Mr. C. R. Stephens Chief, Docketing and Service Section Office of the Secretary of the Commission U.S. Nuclear Regulatory Commission Washington, D.C. 20555

L. F. Nute, Esquire Legal Department Dow Chemical U.S.A. Michigan Division Midland, Michigan 48640

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

Atomic Safety and Licensing Appeal Board U.S. Nuclear Regulatory Commission

Washington, D.C. 20555

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Counsel for Consumers Power Company

January 12, 1977