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June 6, 2016

FOIA/Privacy Officer
U.S. Nuclear Regulatory Commission
Mailstop: T-5 F09
Washington, D.C. 20555-0001

Re: Freedom of Information Act Request -- Complaints in 6 NRC 892

Hello,

I am seeking access to records under the Freedom of Information Act. I would like copies of the complaint or other initiating document in the case of In re Consumers Power Company (Midland Plant, Units 1 and 2) reported in 6 NRC 892. The docket numbers associated with this case are 50-329A, 50-330A, and ALAB-452. I've attached a copy of the first page of the case as reported in Lexis for your reference.

My firm is willing to pay any fees associated with this request up to the amount of \$200. If you anticipate that this request will cost more than \$200, please contact me before taking further action.

My contact information can be found at the top of this letterhead. If you have any questions or concerns, please feel free to contact me directly. I will be happy to help however I can.

Sincerely,

Matthew R. Sherman

Enclosed: 6 N.R.C. 892

6 N.R.C. 892; 1977 NRC LEXIS 1; (PART ONE OF TWO)

Nuclear Regulatory Commission Atomic Safety and Licensing Appeal Board

December 30, 1977

Docket Nos. 50-329A, 50-330A; ALAB-452

Reporter

1977 NRC LEXIS 1; 6 N.R.C. 892; (PART ONE OF TWO)

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

Core Terms

consumer, wholesale, coordination, electric, retail, municipal, bulk, energy, customer, anti trust law, antitrust, cooperatives, franchise, license, electric power, monopolize, power company, monopoly, plant, transmission, relevant market, anticompetitive, load, tail, interconnect, licensing board, geographic, fol, electric utility, smaller

Headnotes

On review of antitrust decision of Licensing Board (LBP-75-39, 2 NRC 29), the Appeal Board concludes that Consumers Power Company possesses monopoly power in the relevant product and geographic markets; that the company has monopolized those markets in contravention of Section 2 of the Sherman Act and its underlying policies; and that it is reasonably probable that licensing the Midland units without appropriate remedial conditions would maintain a situation inconsistent with the antitrust laws within the meaning of Section 105c of the Atomic Energy Act, 42 U.S.C. § 2135(c).

Licensing Board decision reversed and remanded for formulation and imposition of appropriate license conditions.

Counsel

Mr. Wm. Warfield Ross, Washington, D.C., argued the cause for the applicant, Consumers Power Company, *appellee*; with him on the brief were Messrs. Keith S. Watson, Thomas W. Brunner, Mark Schattner, and Gerald B. Wetlaufer, Washington, D.C., and James B. Falahee and Wayne A. Kirkby, Jackson, Michigan.

Mr. Robert A. Jablon, Washington, D.C., argued the cause for the intervening Michigan municipalities and cooperatives, *appellants*; with him on the briefs was Mr. Daniel I. Davidson, Washington, D.C.

Mr. C. Forrest Bannan argued the cause for the Attorney General of the United States, *appellant*; with him on the briefs were Assistant Attorney General Kauper, Miss Judy L. Goldstein, and Messrs. Jonathan C. Rose, Joseph J. Saunders, Milton J. Grossman, David A. Leckie, and Mark M. Levin.

Mr. Robert J. Verdisco argued the cause for the Nuclear Regulatory Commission staff; with him on the briefs were Messrs. Joseph Rutberg and Andrew F. Popper.

Panel: Alan S. Rosenthal, Chairman; Michael C. Farrar; Richard S. Salzman