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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

Gentlemen:

In the footnote on page 2 of their "Response...to ASLB Orders..." served May 28, 1971, the Saginaw intervenors complained that applicant's answers to their interrogatories "did not contain all documents required to be attached and did not even list all documents used in the preparation of the answers." At the conference on June 7, 1971 (Tr. 1414-17), I advised I would submit a letter to the Board concerning the matter. This is that letter.

In Mr. Restricks's letter to the Board of April 13, 1971, transmitting applicant's answers to the Saginaw interrogatories, at page 3, he stated:

"The Saginaw Intervenors' interrogatories call upon Applicant to attach to the answers volumes of documents which, if literally responded to, would not be practically transportable. Applicant is attaching to the responses those documents forming the basis for these answers in cases where the documents would not otherwise be readily available to Intervenors. Applicant is not attaching such documents as published reports, treatises,

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professional society codes (e.g., ASME, ASTM, IEEE and similar professional standards), which Applicant believes are readily available at engineering school or other technical libraries, or documents which Applicant has made available to the Saginaw Intervenor in response to their motion for production of documents; this latter category includes topical reports referenced in the PSAR as amended or in the responses."

Applicant has already made available to Mr. Cherry multitudinous documents. See the list attached to Mr. Restrict's letter of April 27, 1971. These are in addition to those attached to the interrogatories and those given to the Saginaw intervenors by the Staff. We submit that the burden of supplying copies of all documents referenced in the answers to the interrogatories would be a great burden on applicant and is not really necessary to permit the Saginaw intervenors to prepare adequately for the hearing. For this reason, and because no specific need for the documents has been set forth, the request for such copies is lacking in good cause and should be denied. See 10 CFR §2.740 and §2.741.

Insofar as the listing of documents used in preparing the answers is concerned, Interrogatory No. 232, which requested the listing, stated that, at applicant's "option", it could "choose to follow either the suggestion made in a letter by Myron Cherry to all counsel dated March 8, 1971, or the more formal method of depositions under oath." Mr. Cherry's letter of March 8 requested a meeting of all parties to be followed by a review by the Saginaw intervenors of all documents which they wished to see. Interrogatory No. 232 stated, in part:

"At your option, depending upon convenience to all other parties thereof, instead of answering this Interrogatory you may choose to follow either the suggestion made in a letter by Myron Cherry to all counsel dated March 8, 1971, or the more formal method of depositions under oath. If you do not so choose by notice to us within ten days after receipt of these Interrogatories, you shall be required to answer this Interrogatory."

Applicant accepted the suggestion made in the letter of March 8 from Mr. Cherry pursuant to which Mr. Cherry reviewed

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applicant's documents (i.e., the list attached to Mr. Restrict's letter of April 27, 1971), and applicant furnished the copies requested by Mr. Cherry. Consequently, it is apparent that applicant has fully and satisfactorily replied to Interrogatory No. 232.

Respectfully yours,

Robert Lowenstein

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