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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION
BEFORE THE
OFFICE OF THE SECRETARY OF ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
CONSUMERS POWER COMPANY,) Construction Permit
(Midland Plant, Units 1 and 2)) Nos. 81 and 82
) (Show Cause)
)

MOTION FOR DISCOVERY IN AID OF ORAL ARGUMENT

The Saginaw Intervenors hereby move the Atomic Safety and Licensing Board for an Order requiring the following documents to be produced for inspection or copying at the offices of Myron M. Cherry, Suite 4501, One IBM Plaza, Chicago, Illinois 60611, on or before November 13, 1974 in order that such documents may be used in connection with scheduled oral argument on November 18, 1974.

In support of this motion, Saginaw Intervenors state as follows:

1. There is presently pending before the Atomic Safety and Licensing Board ("Licensing Board") Saginaw Intervenors' motion to reopen the record based upon a prima facie showing that Consumers Power Company ("Consumers") and Bechtel have taken inconsistent positions with respect to the qualifications of Bechtel, such inconsistent positions being taken at Midland and Palisades.

2. The Licensing Board has scheduled oral argument on that motion in Chicago on November 18, 1974 and the subject of that oral argument, among other things, will be the allegations of Consumers' Complaint against Bechtel and others and its application to the Midland

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proceeding. Neither the Licensing Board nor the Saginaw Intervenors can adequately inquire into that Complaint without certain documents which form a part of the res gestae of the entire transaction.

3. Without the documentation requested herein the Saginaw Intervenors will be unable adequately to present oral argument and the Licensing Board will, once again, not have sufficient information with which to make an adequate and proper decision.

4. The Licensing Board has the authority to grant discovery in aid of the oral argument in connection with reopening the record since the Licensing Board has the authority to control the course of the proceedings and the Atomic Energy Commission has on other occasions (January 1972 Point Beach fuel densification hearings) granted a similar request.

WHEREFORE, Saginaw Intervenors request the Licensing Board to order the following documents to be produced at the time and place noted above:

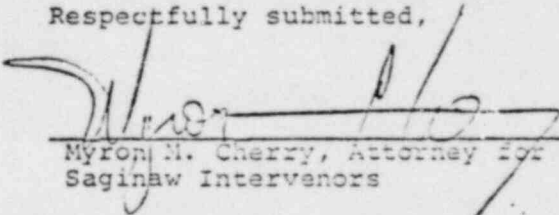
A. The contracts which are the subject of Consumers' Complaint against Bechtel and others, which Complaint was attached to the petition to reopen hearings;

B. Correspondence between Consumers and Bechtel (or any Bechtel affiliate) between January, 1974 and August, 1974 dealing with any and all of the allegations contained in said Complaint;

C. Contracts between Bechtel Corporation and Bechtel Company and Consumers concerning Bechtel's obligations regarding the Midland plant; and

D. Correspondence, if any, between Consumers and Bechtel (or any Bechtel affiliate) concerning the application to the Midland facility, if any, of any of the allegations or underlying facts alleged or asserted in the Complaint dealing with the Palisades case which is attached to the petition to reopen.

Respectfully submitted,


Myron M. Cherry, Attorney for the
Saginaw Intervenors

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

PROOF OF SERVICE

I certify that a copy of the foregoing Motion for Discovery In Aid of Oral Argument was sent postage paid and properly addressed on October 22, 1974 to the Members of the Licensing Board, to the Secretary of the Commission, to the Chairman of the Atomic Safety and Licensing Appeal Board and to all counsel of record.

