



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 5, 1980

Mr. John O'Neill, II
Route 2, Box 44
Maple City, Michigan 49664

In the Matter of
CONSUMERS POWER COMPANY
(Big Rock Point Plant)
Docket No. 50-155
(Spent Fuel Pool Modification)

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Dear Mr. O'Neill:

I have received your letter of October 13, 1980, by which you transmitted your first set of interrogatories to the NRC Staff. As you may know, discovery of the Staff is to be conducted pursuant to 10 C.F.R. §§ 2.720 and 2.744 of the Commission's regulations.

Under 10 C.F.R. § 2.720(h)(2)(ii), interrogatories addressed to the Staff are first filed with the presiding officer. If the presiding officer finds that answers to such interrogatories are necessary to a proper decision in the proceeding, and that answers to the interrogatories are not reasonably obtainable from any other source, the presiding officer may require the Staff to answer such interrogatories. This is a procedure not often used in particular proceedings. The Staff usually attempts to answer interrogatories submitted to it to the best of its ability. After reviewing the interrogatories you submitted by your letter of October 13, 1980, the Staff reached the conclusion that most of the interrogatories are objectionable on several grounds. These grounds are:

1. That they are not relevant to matters in controversy and, in the case of many of the interrogatories, would be extremely burdensome to answer; and
2. They would necessitate research and compilation of data by the Staff which is not required by Commission regulations or case law.

In the case of Interrogatories 1(a), 1(b), 1(c), 1(f), 1(i), 1(j), 1(k), 2, and 3, although the Staff finds them to be irrelevant to matters in controversy in this proceeding, it has the information they request readily available. In fact, much of this information was provided to you by letter dated October 15, 1979. Without waiving any of its objections, the Staff is supplying you with an updated and clarified version of the information you received in the above-mentioned letter. (See Enclosure 2.) You should note that the information you requested in the remaining interrogatories would be available for inspection

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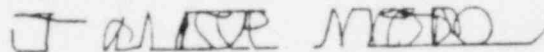
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and copying in the NRC's Public Document Room located at 1717 H Street, N.W., Washington, D. C. 20555. The interrogatories to which the Staff objects will not be answered. The Staff's specific objections to your interrogatories are set forth in Enclosure 1.

If you wish to pursue the interrogatories to which the Staff has objected, I would direct your attention to 10 C.F.R. § 2.740(f) as the means by which you could do so. If I can be of any further assistance in this matter, I can be reached at (301) 492-7313.

Sincerely,



Janice E. Moore
Counsel for NRC Staff

Enclosures
As stated

cc w/encl.: Herbert Grossman, Esq., Chairman
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