

4/16/81

RELATED CORRESPONDENCE

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))
)

Docket Nos. 50-329-OM
50-330-OM
50-329-OL
50-330-OL

CONSUMERS POWER COMPANY OBJECTIONS TO
BARBARA STAMIRIS MARCH 27, 1981 DISCOVERY REQUEST



Pursuant to 10 C.F.R. §2.740(b) and 10 C.F.R. §2.741(d) Consumers Power Company ("Consumers Power") hereby objects to Barbara Stamiris March 27, 1981 Discovery Request ^{1/} for the following reasons:

1. Each request is beyond the bounds of discovery authorized by the Atomic Safety and Licensing Board. ^{2/} None of the requests are clarification requests as to ambiguities

1/ Pursuant to Document Request 2 of the March 27, 1981 Discovery Request Consumers Power is providing Ms. Stamiris with a copy of its April 16, 1980 Answer to Notice of Hearing. It is interesting to note that Ms. Stamiris apparently has never bothered to read one of the crucial pleadings in this proceeding.

2/ At transcript page 814 of the January 28-29 Prehearing Conference the Board stated to Ms. Stamiris the permissible limits of any future discovery requests that might be made by her:

...You can follow up on ambiguities or questions you have arising from the answers you receive."

DS03
s
///

8104230606

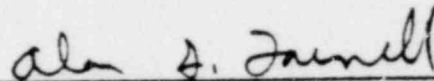
G

or questions arising from Consumers Power's initial responses to her request. Rather, each appears to be an initial discovery request which is prohibited.

2. At this point in the discovery process, the burden to Consumers Power in responding to the Discovery Request outweighs the possible benefits to Ms. Stamiris.

3. The requests are untimely as not being filed as soon as possible after the January 28-29, 1981 Prehearing Conference, as per the Board's ruling at transcript page 814.

Respectfully submitted,



Alan S. Farnell
Attorney for Consumers Power Company

ISHAM, LINCOLN & BEALE
One First National Plaza
Suite 4200
Chicago, Illinois 60603
312/558-7500

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

_____)	
In the Matter of)	
)	
CONSUMERS POWER COMPANY)	Docket Nos. 50-329-OM
)	50-330-OM
(Midland Plant, Units 1 and 2))	50-329-OL
)	50-330-OL
_____)	

CERTIFICATE OF SERVICE

I, Alan S. Farnell, hereby certify that a copy of Consumers Power Company Objections To Barbara Stamiris March 27, 1981 Discovery Request was served upon all persons shown in the attached service list by deposit in the United States mail, first class, this 16th day of April, 1981.

Alan S. Farnell
Alan S. Farnell

SERVICE LIST

Frank J. Kelley, Esq.
Attorney General of the
State of Michigan
Stewart H. Freeman, Esq.
Assistant Attorney General
Gregory T. Taylor, Esq.
Assistant Attorney General
Environmental Protection Div.
720 Law Building
Lansing, Michigan 48913

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

Mr. Wendell H. Marshall
RFD 10
Midland, Michigan 48640

Charles Bechhoefer, Esq.
Atomic Safety & Licensing Bd. Pnl.
U.S. Nuclear Regulatory Com.
Washington, D.C. 20555

Dr. Frederick P. Cowan
6152 N. Verde Trail
Apt. B-125
Boca Raton, Florida 33433

Admin. Judge Ralph S. Decker
Route No. 4, box 190D
Cambridge, Maryland 21613

Carroll E. Mahaney
Babcock & Wilcox
P. O. Box 1260
Lynchburg, Virginia 24505

James E. Brunner, Esq.
Consumers Power Company
212 West Michigan Avenue
Jackson, Michigan 49201

Steve Galdler, Esq.
2120 Carter Avenue
St. Paul, Minnesota 55108

Atomic Safety & Licensing Appeal Pnl.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Ms. Mary Sinclair
5711 Summerset Street
Midland, Michigan 48640

William D. Paton, Esq.
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety & Licensing Bd. Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Barbara Stamiris
5795 North River Road
Route 3
Freeland, Michigan 48623