

U.S. NUCLEAR REGULATORY COMMISSION

In the matter of  
CPCo. Midland Plant  
Units 1 & 2

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

BEFORE THE ATOMIC SAFETY & LICENSING APPEAL BOARD

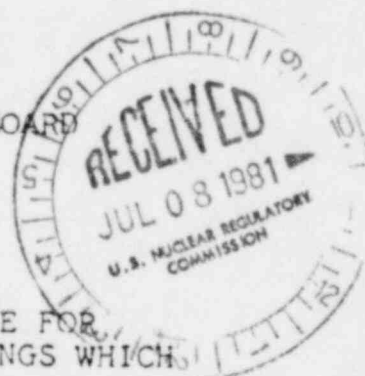
6/30/81

INTERVENOR REQUEST FOR RULING ON APPROPRIATE TIME FOR  
APPEALS ON DISCOVERY RULINGS & CONFERENCE CALL RULINGS WHICH  
DENY EQUAL RIGHTS TO ONE PARTY IN THE PROCEEDING

Although the questions which I am about to raise in this request do not affect "the basic structure of the proceeding" in the "pervasive and unusual manner" that my 6/29/81 requests do, I believe their combined effect is that of "seriously harm(ing) the public interest" by limiting the full participation of one party in a proceeding and thereby limiting the open and fair consideration of information relevant to that proceeding.

Respecting and understanding your reluctance "to enter the discovery thicket", as expressed on p. 5 of the Feb. 20, 1981 Thornburg Ruling, I will ask these questions in the abstract. If the answer to any of these questions is yes, I will provide the appropriate supporting evidence at your request.

Would this Appeal Board entertain an interlocutory appeal on any or all of the following issues?



DS03  
1/0

- 1) A double standard for discovery, stated in writing, which sets different parameters for acceptable discovery for different parties.
- 2) A ruling granting a motion for protective order without giving the party ruled against a chance to respond to the motion.
- 3) A ruling of untimeliness on follow up discovery when that untimeliness is due directly to the other parties failure to answer initial discovery, and therefore unavoidable.
- 4) Denial of a request to see a document considered confidential by two parties and relevant to this proceeding.
- 5) Denial of a request to be allowed to attend a meeting with NRC Staff and Counsel and CPC Counsel, relevant to this proceeding.
- 6) Denial of a request for certain public documents from Applicant in the manner afforded all other parties.

Respectfully Submitted,

*Barbara Stamiris*

cc: ASLAB Members  
ASLE Members  
Wm. Paton, NRC  
M. Miller, CPCo.  
Secretary, NRC  
Attorney Gen. Kelley