

October 12, 1982

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

RESPONSE TO "MOTION TO COMPEL
ANSWERS FROM CP Co TO REVISED
STAMIRIS INTERROGATORIES"

On August 30, 1982 Ms Stamiris filed on Consumers Power Company (CPCo) 51 interrogatories and document requests, relating to her contentions and those of Mrs Sinclair. The Company objected to certain questions on grounds that they inquired into or requested documents on financing, collection, tax, or other purely rate-related subjects. The Company filed responses to the balance of the interrogatories on September 20, 1982. An arrangement regarding document requests was made on October 4, 1982.

On September 30, 1982 Mrs Stamiris filed a document styled as a "Motion to Compel" responses. This document, in addition to making a number of factual allegations, apparently withdrew the questions objected to and submitted a number of additional ones.*

While the process by which Mrs Stamiris has "amended" her questions is technically in violation of the Rules of Procedure, in the interest of expediting the proceedings, Applicant has no objection to voluntarily responding to these interrogatories as amended. By agreeing to provide responses, however, we express no opinion as to the truth of the factual

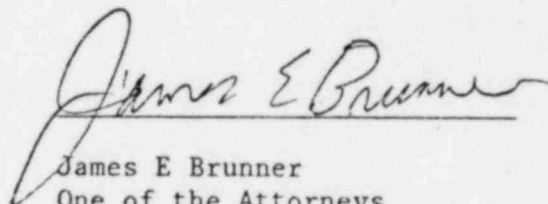
*Ms Stamiris correctly notes that Mr Brunner gave her an additional day to file this "Motion."

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allegations made by Mrs Stamiris in her "Motion". Also, we disagree that the admitted contention on decommissioning costs requires a detailed comparison between Big Rock, Palisades and Midland. Thus, we reserve the right to object to inquiring into these topics, to the level of detail suggested by Mrs Stamiris, during the evidentiary presentations on this issue. (We also note that our agreement to respond here does not extend to any further questions or improper follow-up questions Mrs Stamiris may wish to file in the future.) The Applicant will provide responses within 15 days of the date of service of this document.



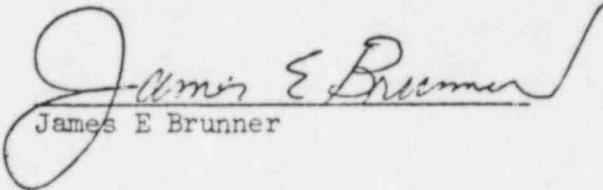
James E Brunner
One of the Attorneys
for Consumers Power Company
212 W Michigan Avenue
Jackson, MI 49201

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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Response To "Motion To Compete
Answers From CP Co To Revised Stamiris Interrogatories" were sent by U S
Mail, first class, postage prepaid, to the attached service list this
12th day of October, 1982.


James E Brunner

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Charles Bechhoefer, Chairman
Dr. Frederick P. Cowan
Dr. Jerry Harbour

In the Matter of)	Docket Nos.	50-329 OM
CONSUMERS POWER COMPANY)		50-330 OM
(Midland Plant, Units 1 and 2))		50-329 OL
)		50-330 OL
)	August 14, 1982	

CONSUMERS POWER COMPANY'S (CP CO) OBJECTIONS
TO CERTAIN INTERROGATORIES AND
DOCUMENT REQUESTS OF INTERVENOR BARBARA STAMIRIS

CP Co objects to Questions 6 through 11 and part of 18 under "Cost/Benefit: Contention 1b and 1c" in "Stamiris' Interrogatories and Document Requests to Consumers Power Company, August 30, 1982."

1. CP Co objects to Question 6 because it is outside the scope of the contention. The question inquires into the method of financing and collecting decommissioning costs. The contention, however, deals with the accuracy of the staff's \$235 million decommissioning cost estimate, not with the method of financing those costs. CP Co also objects to this question because financing and collection are not environmental issues within the scope of the NRC's review. CP Co further objects to this question because it is a rate matter, within the jurisdiction of the Michigan Public Service Commission (MPSC) and not this Hearing Board.

2. CP Co objects to Question 7 on the same grounds as Question 6.

3. CP Co objects to Question 8, because the documents requested cover the same improper matter as Question 7.

4. CP Co objects to Question 9 because the amount that CP Co expects to collect in decommissioning costs by the year 2000 is again a matter of financing and collection methods; which are not within the contention, which are a rate matter for the MPSC, and which are not environmental issues.

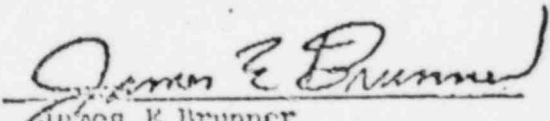
5. Question 10 is again directed at collection of decommissioning costs, and is objectionable on the same grounds as the previous questions.

6. CP Co objects to all parts of Question 11 because CP Co's federal tax obligations for early collection are irrelevant to the adequacy of the staff's analysis in arriving at the \$235 million figure and because they are not environmental costs within the scope of the Environmental Statement. In addition, the part about collection of tax expenditures from the rate-payers is objectionable because it is a rate matter to be determined solely by the MPSC and not this Hearing Board. Furthermore, the inquiries into the rate and manner of taxation on early collections are questions of law and therefore improper for discovery.

7. CP Co objects to that part of Question 18 dealing with "contingency economic plans . . . in terms of . . . related costs to ratepayers." Costs to ratepayers are not within the cost-benefit analysis of the Environmental Statement and are a matter for the MPSC and not this Hearing Board.

CP Co reserves the right to object to any or all other interrogatories and to any or all other document requests of Mrs Stamiris.

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James E. Brunner
Attorney for Consumers Power Company

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)

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Docket Nos

50-329-OM

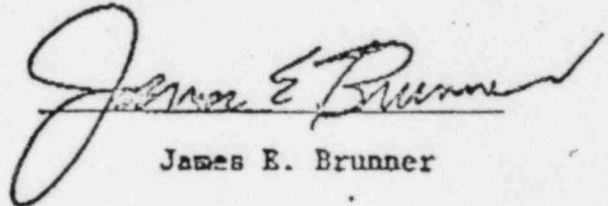
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50-330-OL

CERTIFICATE OF SERVICE

I, James E Brunner, one of the attorneys for Consumers Power Company, hereby certify that a copy of "Consumers Power Company's Objections to Certain Interrogatories and Document Requests of Interviewer Barbara Stamaris" was served upon all persons shown in the attached service list by deposit in the United States mail, first class, this 30th day of August, 1982.


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