

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

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

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

CP CO OBJECTIONS TO INTERROGATORIES & DOCUMENT
PRODUCTION REQUESTS OF BARBARA STAMIRIS

Consumers Power Company (Applicant) objects, in certain respects, to the interrogatories and document requests filed by Mrs Stamiris on October 11, 1983.

General Objections

1. Applicant objects to providing information or documents available to or in the possession of "former directors, management, board of directors", etc as apparently required by item (b) in the definitions.
2. Applicant declines to treat this discovery as continuing past October 11, 1983.
3. Applicant objects to certain interrogatories, on the ground that they concern information which was available or could have been available at the time of issuance of the initial OI report, which was filed, according to Mrs Stamiris' pleading, on or about June 2, 1983. Certain questions posed by Mrs Stamiris apparently represent an attempt to open discovery de novo, as if no discovery had already been conducted on the alleged order violation. Some of the questions relate to documents turned over even before the initial OI report was issued. Questions regarding the subject matter of the first OI report should have been raised before October 11, 1983, more than four months after the initial OI report was released. While informal discovery may have been closed when the OI report was published,²⁷ intervenors have some obligation to conduct discovery in a timely fashion. Waiting over four months after a document is published to conduct discovery on it fails to meet that obligation.
4. Applicant reserves any and all available objections, apart from those specified herein, to the interrogatories or document requests at issue.

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Specific Objections to Interrogatories

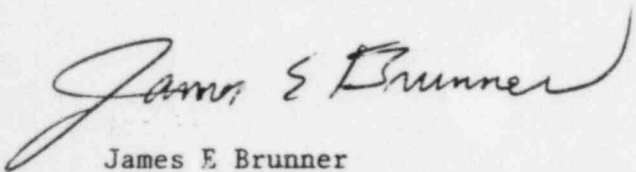
- 1-5. Applicant objects, on the ground stated in Paragraph 3, supra. These questions relate to the so-called "Fisher notes", the May 20 and 21 meetings, the NRC's May 25 letter and the agreement between Wheeler and Landsman, all of which were discussed in the initial OI report or documents provided therewith.
6. Applicant objects on the ground stated regarding Interrogatories 1-5, supra.
8. Applicant objects, on grounds stated above in numbered Paragraph 6, supra.
9. Applicant objects, for reasons stated in Paragraph 6, supra.
16. Applicant objects because the interrogatory is overly broad, burdensome, partially irrelevant and immaterial.
17. Applicant objects, on the grounds stated in Paragraph 6, supra.
- 18.&19. Applicant objects, on the grounds stated in Paragraph 16, supra.
23. Applicant objects; the question is irrelevant and immaterial.
24. Applicant objects to Parts b, c, and d, since Applicant cannot reasonably discover the answers. (The documents in question were placed in the public record by being sent to R L Landsman.)
32. Applicant objects, since the question is directed to an individual who lacks knowledge upon which a response could be based.
33. Applicant objects, on the ground stated under Paragraph 32, supra.
34. Applicant objects; the interrogatory is burdensome.

Objections to Document requests

1. Applicant objects, since Applicant does not know and could not discover all documents reviewed by any NRC investigator during the OI investigation. (Applicant previously served intervenors with a copy of all documents, which, to Applicant's knowledge, were reproduced by OI in connection with the investigation.)
2. Applicant objects; the request is overly broad, burdensome, and seeks irrelevant material, since it is not limited to the duct bank or fireline issues.
3. Applicant objects; same objection as in 2 supra.
4. Applicant objects; same objection as in 2 supra.
5. Applicant objects; same objection as in 2 supra.

6. Applicant claims attorney/client and work product privilege on documents responsive to this request. A list of those documents will be provided with Applicant's response.
7. Applicant objects; the request is vague and places Applicant at risk in trying to ascertain what documents may or may not indicate knowledge concerning a complex subject. (The Applicant already is in disagreement with OI as to whether or not certain documents show such knowledge.) In addition, this request, in effect, requires Applicant to draw legal conclusions for an opposing party.
10. Applicant claims work product privilege on certain documents falling under this request.
15. Applicant objects, on the grounds stated in Paragraph 2, supra.
16. Applicant objects; the request is incomprehensible.

Respectfully submitted,



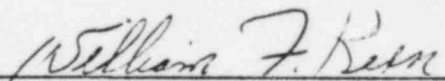
James E Brunner
Attorney for Consumers Power Company

Notes

- ^{1/} The requests, though dated October 11, 1983, were not received by the Company until October 14, 1983. The Company will be unable to respond to these requests by October 21. Had the intervenors taken some efforts to get the requests in Applicant's hands earlier, Applicant may have been able to respond by October 21.
- ^{2/} Informal discovery relating to a particular subject - the planned meeting between the Company and the NRC Staff on an item in the diesel generator building inspection report - was apparently left open (see TR 19067). Had they desired to conduct discovery on the initial OI report, intervenors could have requested similar relief with regard to the alleged order violation issue.

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Consumers Power Company Objections to Interrogatories and Document Production Request of Barbara Stamiris were sent by U S Mail, first class, postage prepaid, to the attached service list this 20th day of October, 1983, except for Judge Charles Bechhoefer, Judge Jerry Harbour, Ms Lynne Bernabei and William D Paton who were hand served by messenger.



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