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Consumers
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May 17, 1984

SECRET NUMBER 50-329/330 OL/om
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Ms. Bernabei and Ms. Garde:

This is to inform you that Consumers Power Company objects to the discovery request dated May 4, 1984, on behalf of Intervenor Barbara Stamiris. (See Attachment 1) In our opinion, the request is impermissibly broad and greatly exceeds the limits on discovery imposed by the Licensing Board. See Consumers Power Company, (Midland Plant, Units 1 and 2) LBP-84-20, _____ NRC _____, slip op at 26 (May 7, 1984) The subject matter of the lawsuit between The Dow Chemical Company and Consumers Power Company is not co-extensive with the two contentions admitted by the Licensing Board in its Order of May 7, 1984. Moreover, the request directly contradicts Ms. Bernabei's own representations made to the Licensing Board during the hearing on September 21, 1983. (See Attachment 2)

If and when a proper discovery request is framed and submitted, the Company will respond as appropriate. If you have any questions regarding this matter, feel free to call me at the above number.

Very truly yours,

James E. Brunner

CC OM/OL Service List

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May 4, 1984

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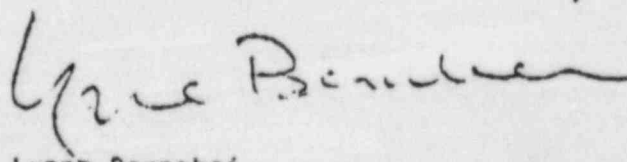
~~Mr. Michael Miller, Esquire~~
Isham, Lincoln & Beale
Three First National Plaza
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Gentlemen:

On behalf of Intervenor Barbara Stamiris, I request access to all documents disclosed in discovery in The Dow Chemical Co. v. Consumers Power Co., Case No. 83-002232-CK-D lawsuit, and all transcripts of depositions taken by either party in connection with the suit. Excluded from my request are any documents subject to a protective order.

Please notify Ms. Billie Garde of my office of the arrangements for review of the documents as I will be out of town on another matter for an extended time.

Sincerely yours,



Lynne Bernabei

LB:me

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1 of the documents.

2 MR. MILLER: I guess I am still a little puzzled.
3 What I think I am hearing is that if these issues go forward,
4 what the Applicant can look forward to is a document request
5 that parallels or is identical to the Dow document request.
6 Ms. Bernabei is quite right that once we produce it for Dow,
7 it is no great chore to make the same set of documents available
8 to other parties; but I have given --

9 JUDGE BECHHOEFER: I might say that the issues that
10 she is proposing are much more limited than issues spelled out
11 in the Dow complaint, so I do not think -- maybe I am wrong --
12 I am not sure that 100 percent of the documents that were
13 asked for by Dow or by Consumers are even relevant to those
14 three issues.

15 MS. BERNABEI: We can represent --

16 JUDGE BECHHOEFER: I cannot tell you that.

17 MS. BERNABEI: We can represent we have no intention
18 of asking for as broad of a discovery, obviously, as Dow. We
19 want discovery basically relevant to these three issues.

20 MR. PATON: We cannot hear you.

21 JUDGE BECHHOEFER: I would guess that some of the
22 documents would have to go to the background of the negotiations
23 and certain agreements between Dow and Consumers, and I cannot
24 see too much relevance on that. We would be interested, if we
25 accepted the contentions, only in what Consumers told --

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