

SECRET NUMBER

PROD. & UTIL. EAQ 50-329A, 330A

March 6, 1973

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

ORDER GRANTING APPLICANT'S MOTION FOR
EXTENSION OF TIME TO OBJECT TO
REQUEST FOR ADMISSIONS

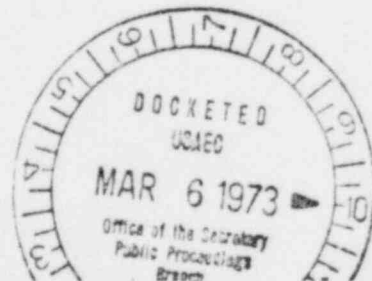
On February 23, 1973, the Applicant filed a motion for an extension of time in which to set forth its objections to the Department of Justice's request for admissions that was personally served on the Applicant on February 12, 1973. By answer filed on March 2, 1973, the Department of Justice opposes the granting of the requested extension.

After carefully considering the motion and the answer thereto, the Atomic Safety and Licensing Board (Board) concludes that it would be in the best interest of the public to grant the motion.

At the time of the issuance of the Second Prehearing Conference Order (November 3, 1973), the Board did not contemplate a provision that would deprive a party of procedural rights guaranteed by a specific section of

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the revised Commission's Rules of Practice [§ 2.742(b)]. This Section provides, in effect, that a party will have at least ten days after service in which to file written objections to requests for admission. Consequently, our Order limiting the time for the filing of objections to five days was not intended to have applicability to requests for admissions. We also agree with Applicant's assertion that the length and complexity of the request for admissions require that a careful analysis be given to them. Moreover, the Board concludes that the extension will not affect the schedule for the commencement of the evidentiary hearing in this proceeding.

In granting the motion for an extension until the close of business March 12, 1973, the Applicant is on notice that it will be under a duty to provide a detailed basis for each objection, with legal citations where appropriate. Further, the other parties are given until the close of business March 22, 1973, to file replies to the objections.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD

J. V. Leeds, Jr.

J. V. Leeds, Jr.

Hugh K. Clark

Hugh K. Clark

Jerome Garfinkel

Jerome Garfinkel, Chairman

Issued at Washington, D.C.
this 6th day of March, 1973.

3-6-73

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

To the Director of)
)
CONSUMERS POWER COMPANY)
(Midland Plant, Units 1 and 2)

Docket No. 50-329A, 130A

CERTIFICATE OF SERVICE

I hereby certify that copies of an ORDER GRANTING APPLICANT'S MOTION FOR EXTENSION OF TIME TO OBJECT TO REQUEST FOR ADMISSIONS dated March 6, 1973, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 6th day of March 1973:

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