

DOCKET NUMBER  
PROD. & UTIL. EAG. 50-329A, 330A

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of	)	
	)	
Consumers Power Company	)	Docket Nos. 50-329A
	)	50-330A
(Midland Units 1 and 2)	)	

ORDER DENYING MOTION TO  
COMPEL PRODUCTION OF INDEX

On March 23, 1973, the Joint Intervenors served their "Motion to Compel The Production Of Index". It appears from a reading of the motion that the Joint Intervenors seek the preparation and production of an index which would assist the Joint Intervenors in the presentation of their case. The Applicant filed its answer opposing the motion on April 4, 1973.

Upon a review of the motion and the answer thereto, the Board in the exercise of its discretion determines that the motion should be denied.

Initially, the Joint Intervenors made no showing of a compelling need for the index. The documents have been furnished to them on a piecemeal basis, thereby allowing Joint Intervenors substantial time in which to prepare their own index. Moreover, the issues in this

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proceeding are very limited and do not involve antitrust violations. Consequently, they rule out the kind of evidence one would normally expect in a complex case. Finally, the request for an index is being made after many months of document submissions. The Applicant has clearly indicated that in this interim period, it has not prepared such an index. In our view, the motion is clearly untimely.

For the foregoing reasons, we conclude the motion should be denied.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Jerome Garfinkel, Chairman

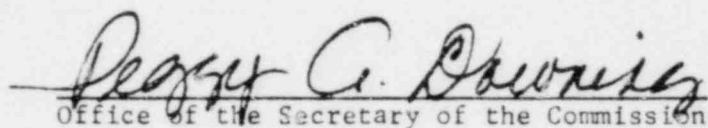
Issued at Washington, D. C.,  
this 9th day of April, 1973.

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
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CERTIFICATE OF SERVICE

I hereby certify that copies of ORDER DENYING MOTION TO COMPEL  
PRODUCTION OF INDEX dated April 9, 1973 in the captioned matter have  
been served per the attached Service List by deposit in the United  
States mail, first class or air mail, this 9th day of April 1973.

  
Office of the Secretary of the Commission

Attachment: Service List

cc: Mr. Garfinkel  
Mr. Rutberg  
Mr. Braitman  
ASLBP  
ASLAB  
Reg. Files

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

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

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