

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION



8-8-73

In the Matter of)
)
CONSUMERS POWER COMPANY)
)
(Midland Plant, Units 1 and 2) }

Docket Nos 50-329A
50-330A

ORDER DENYING INTERVENORS' MOTION FOR RECONSIDERATION OF BOARD'S NOVEMBER 28, 1972 ORDER, AND DENYING IN PART INTERVENORS' MOTION TO COMPEL, BOTH MOTIONS DATED JUNE 29, 1973; ALSO GRANTING EXTENSION OF TIME TO RESPOND TO SECOND ROUND OF INTERROGATORIES AND DOCUMENT REQUEST TO INTERVENORS

After discussion among Board Members, the Board in the exercise of its discretion denies the Intervenor's motion for reconsideration of the Board's November 28, 1972 Order.

After discussion with Board Members, the Board in its judgment denies Intervenor's motion to compel Applicant's counsel to produce documents except with respect to those documents withheld on the grounds of privilege.

As to the documents withheld on the grounds of privilege, counsel for the Applicant will permit counsel for the Intervenor to review such documents, it being understood that the counsel for the Intervenor will use such review only for the purpose of agreeing or disagreeing as to the propriety of the claim of privilege. Counsel for the Intervenor will not reveal contents of such documents learned by such a review to anyone other than the Board and then

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only in arguing lack of privilege. As to those documents with respect to which agreement cannot be reached by counsel, copies will be forwarded to the Board promptly upon termination of the review. Counsel for each party may file a brief containing arguments with regard to the claim of privilege.

The Motion of Intervenors for an extension of time from August 6 to September 6, 1973, to respond to the second round of interrogatories is granted with the understanding that the response is due September 1, 1973.

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 8th day of August 1973.

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CERTIFICATE OF SERVICE

I hereby certify that copies of ORDER DENYING INTERVENORS' MOTION FOR RECONSIDERATION OF BOARD'S NOVEMBER 28, 1972 ORDER, AND DENYING IN PART INTERVENORS' MOTION TO COMPEL, BOTH MOTION DATED JUNE 29, 1973; ALSO GRANTING EXTENSION OF TIME TO RESPOND TO SECOND ROUND OF INTERROGATORIES AND DOCUMENT REQUEST TO INTERVENORS dated August 8, 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 8th day of August 1973.


Office of the Secretary of the Commission

Attachment: Service List

cc: Mr. Garfinkel
Mr. Rutberg
ASLBP
Mr. Braitman
Reg. files

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SERVICE LIST

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