

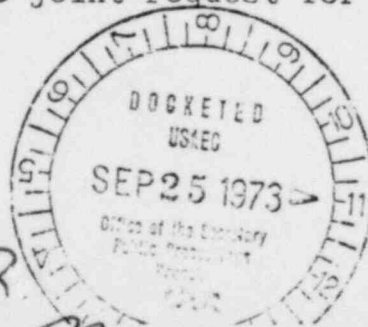
UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

ORDER OF THE BOARD REGARDING JOINT INTERVENORS'
"REQUEST FOR RULING" OF AUGUST 27, 1973

On August 27, 1973, the Joint Intervenors requested a ruling by the Board that they be permitted to depose Keith S. Watson, Esq., (or William W. Ross, Esq., if he is more knowledgeable), concerning the withholding of documents by the latter's law firm upon various grounds. On September 6, 1973, the Applicant filed a response to the "Request for Ruling". On September 17, 1973, the Applicant supplemented his response of September 6, 1973. It appears that neither the Department of Justice nor the Regulatory Staff has filed any formal responses to the "Request for Ruling".

After giving careful consideration to the aforesaid motion and responses thereto, the Board directs that the counsel for the Applicant provide all other parties with counsel's written instructions to the Applicant regarding compliance with the joint request for documents of the



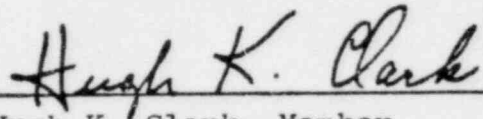
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Department of Justice, the Regulatory Staff, and the Joint Intervenors, dated July 26, 1972. Said ruling is in lieu of taking of depositions of either Mr. Watson or Mr. Ross, which request is hereby denied.

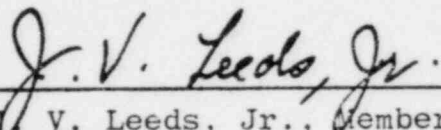
After careful consideration of all factors, including the review of various motions filed in this proceeding on the question of document returns, and our review of privileged material, we believe that a sufficient basis has been established to justify a sampling of those documents which have been withheld by the Applicant's Washington counsel as not being encompassed by the joint request. Accordingly, the Board directs that the Joint Intervenors be granted the right to sample 1500 documents withheld on grounds other than attorney--client privilege, with the 1500 documents being selected by procedures adopted by counsel for the Joint Intervenors. If counsel for the Joint Intervenors is of the opinion that certain withheld documents should be produced, then counsel shall file a suitable motion with respect thereto. The completion of the sampling shall not occur later than the close of business October 5, 1973. The privilege of reviewing the above-stated sampling is limited to counsel for the Joint Intervenors.

IT IS SO ORDERED.

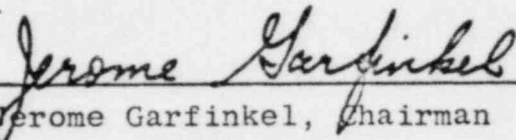
THE ATOMIC SAFETY AND
LICENSING BOARD



Hugh K. Clark, Member



J. V. Leeds, Jr., Member



Jerome Garfinkel, Chairman

Issued at Washington, D. C.

This 25th day of September 1973.