

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
William C. Parler, Member
Michael C. Farrar, Member



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

Docket Nos. 50-329A
50-330A

ORDER
(ALAB - 111)

Twenty-one Michigan municipalities, not parties to this antitrust proceeding, have appealed to us from certain discovery orders entered by the Licensing Board. The applicant, which sought the discovery directed by that Board, has filed a brief urging that those orders be affirmed. Apparently none of the other parties to the proceeding intends to participate on the appeal.

The appeal is hereby calendared for oral argument at 9:30 A.M. on Tuesday, April 24, 1973, in the first floor hearing room, Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland. The appellants and the applicant are each allotted one hour for the presentation of argument. By April 17, 1973, this Board is to be

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advised by letter of the names of the counsel who will present argument on behalf of the respective parties.

Leave is granted to the appellants to file a reply brief, which must be received by this Board no later than April 17, 1973. That brief should be confined to a response to the arguments contained in the brief which has been filed by the applicant. The Board requests that, in the reply brief, appellants inter alia:

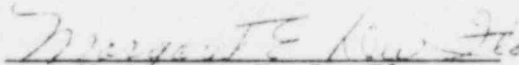
(1) discuss the reasons why the Licensing Board's conclusions respecting the unavailability of the claim of confidentiality under Michigan law (pp. 5-6 of its March 5, 1973 order) are not supported by specific Michigan statutory provisions (e.g. Section 5.1710 of Chapter 48, Title 5, reproduced in Appendix B to appellants' February 20, 1973 supplemental motion to quash subpoenas);

(2) identify with particularity that information ordered by the Licensing Board to be disclosed to the applicant which, if disclosed, might result in a competitive advantage being obtained by the applicant;

(3) indicate with specificity those portions of the information ordered to be disclosed which are claimed by the appellants to be available to the applicant from other sources and, with respect to each such portion, what the asserted alternative source is.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING
APPEAL BOARD


Margaret E. Du Flo
Secretary to the
Appeal Board

Dated: April 4, 1975

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CERTIFICATE OF SERVICE

I hereby certify that copies of ORDER dated April 4, 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 4th day of April 1973.

Reggie C. Downing
Office of the Secretary of the Commission

Attachment: Service List

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

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