

UNITED STATES OF AMERICA  
BEFORE THE  
ATOMIC ENERGY COMMISSION

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

MOTION FOR AN EXTENSION OF TIME TO RESPOND TO  
MOTION TO PRODUCE NON-PRIVILEGED DOCUMENTS  
FILED BY INTERVENORS IN THIS PROCEEDING

Applicant moves for an extension of time to respond to Intervenor's Motion to Produce Non-Privileged Documents (served by hand on Applicant's counsel on Monday, November 5, 1973) to and including Monday, November 19, 1973. In support hereof Applicant states as follows:

1. Under the Commission's rules unless extended, time for responding to the Intervenor's Motion would expire Monday, November 12, 1973.

2. Applicant's Motion seeks production of 121 of what it describes as "non-privileged" and "relevant" documents. These appear to be about 8% of those documents made available for inspection to the Intervenor's counsel through the sampling process ordered by the Board. Applicant also seeks inspection of all other non-privileged documents presently held by Applicant's Washington counsel.

3. An adequate response to Intervenor's Motion will require study of each of the documents specifically sought to be produced

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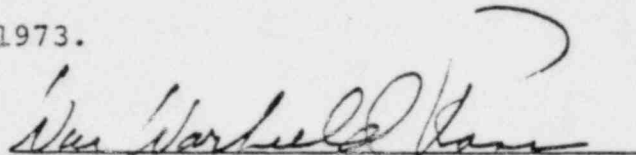
by the Motion. It will be necessary for Applicant's counsel to examine each document to determine (a) its relevancy and (b) whether or not it should have been produced pursuant to the joint document demand. Counsel will then have to prepare an adequate responsive pleading discussing each of the 121 documents which the Motion seeks, as well as addressing Intervenors' demand for virtually complete access to counsel's files.

4. Applicant's Washington counsel are fully engaged in preparing Applicant's pre-trial brief in this proceeding which is due to be filed November 19, 1973. In addition, the lawyer in this office most immediately concerned with the sampling process, Keith S. Watson, has been out of town Monday through Wednesday of this week on a longstanding commitment. Accordingly, he has not been available to respond to Intervenors' Motion. Because of Mr. Watson's unique familiarity with this matter, as well as its complexity, it would be physically impossible for this firm to prepare an adequate response to the Intervenors' Motion in the approximately four working days available.

5. The delay here sought, to November 19, 1973, should not prejudice the Intervenors or other parties. Hearings are presently scheduled to commence on November 26, 1973 in which the Department of Justice's direct case will first be reached by cross examination. We anticipate that the earliest the Intervenors' prepared direct evidence could be reached for cross examination would be the last two weeks in December 1973. The Hearing Board at this time has not provided for introduction of additional documentary or other evidence in the initial hearing phase of this case. However, should the Board decide to permit Intervenors to introduce any documents which it

may order produced pursuant to Intervenor's Motion here under consideration, Intervenor should have adequate time to analyze and select such documents, under the schedule proposed by Applicant in this Motion. Furthermore, the Board has directed that rebuttal evidence will be filed and heard at an interval following cross examination of the direct case, which would provide a further opportunity.

WHEREFORE, for the foregoing reasons, it is requested that time for responding to the aforesaid Motion be extended to the close of business, November 19, 1973.

  
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Washington, D. C. 20036

Counsel for Applicant

November 7, 1973

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of MOTION FOR AN EXTENSION OF TIME TO RESPOND TO MOTION TO PRODUCE NON-PRIVILEGED DOCUMENTS FILED BY INTERVENORS IN THIS PROCEEDING, dated November 7, 1973, in the above-captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 7th day of November, 1973:

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