

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 DENYING MOTION TO COMPEL PRODUCTION OF
DOCUMENT FILED BY APPLICANT ON APRIL 9, 1973.

On April 9, 1973, the Applicant filed a motion requesting that this Atomic Safety and Licensing Board (Board) direct the Department of Justice to furnish the Applicant with a copy of an internal document of the Michigan Municipal and Cooperative Power Pool which relates to current settlement negotiations. The document, in question, was not furnished to the Department pursuant to request.

After carefully reviewing the motion, the answer of the joint intervenors, and the answer of the Department of Justice, and after reviewing the document itself, the Board in the exercise of its discretion denies the motion.

Public policy encourages parties to a proceeding to settle disputes out of court. Consequently, a party should be free to discuss the pros and cons of any current offer without fear that the considerations of such offer will be made available to the opposing party,

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thereby jeopardizing the former's bargaining position. To grant the motion, this Board would be thwarting the goal of expeditious resolution of legal proceedings.

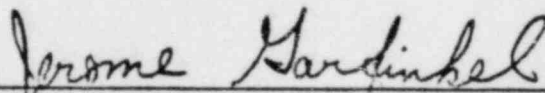
In addition, a review of the document reveals that while the contents thereof may be relevant, nevertheless, the information contained therein is not material to this proceeding.

Henceforth, in conformity with this opinion, no party will be required to produce internal documents pertaining to current settlement negotiations.

The document in our possession will be returned to the Department of Justice with a copy of this Order.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD



Jerome Garfinkel, Chairman

Issued at Washington, D. C.
this 27th day of April 1973.

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