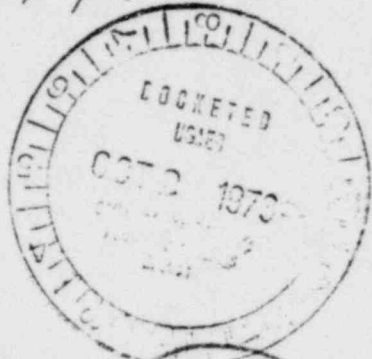


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10/2/73



UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

Docket Nos. 50-329A
50-330A

ORDER OF BOARD DENYING APPLICANT'S MOTION
TO STAY AND RECONSIDER ORDER OF THE BOARD
OF SEPTEMBER 25, 1973

On October 1, 1973, the Applicant filed a motion requesting that the instant Atomic Safety and Licensing Board (Board) Order of September 25, 1973, concerning documents withheld on grounds other than attorney-client privilege, be stayed and reconsidered by the Board. The Applicant asserts, among other reasons, that the Board's Order is unlawful. After carefully reviewing the Motion and the authorities cited therein, the Board concludes that with two exceptions, the Motion is without merit and is denied.

The Board directs that in providing all other parties with counsel's written instructions, the Applicant's counsel need not include the reasons accompanying such instructions.

In addition, as a result of a telephone conversation between and among the parties and the Board Chairman, it was determined that the Applicant had withheld approximately

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1500 documents as not being relevant to the joint request for documents of the Department of Justice, the Regulatory Staff, and the Joint Intervenors. Since the Board, in its Order of September 25, 1973, contemplated a sampling of the withheld documents and not total access, the ruling with respect to such sampling is herewith modified to the extent that the Joint Intervenors will be granted the right to sample 300 documents under terms and conditions set forth in the Board's September 25, 1973 ruling.

During the telephone conversation described above, Applicant's Counsel orally moved that the instant Board's ruling be certified to the Appeal Board. The Board Chairman denied the request.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD

Hugh K. Clark
Hugh K. Clark, Member

J. V. Leeds Jr.
J. V. Leeds, Jr., Member

Jerome Garfinkel
Jerome Garfinkel, Chairman

Issued at Washington, D. C.

this 2nd day of October 1973.

10/2/73

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

Docket No. 50-329A, 330A

CERTIFICATE OF SERVICE

I hereby certify that copies of ORDER OF BOARD DENYING APPLICANT'S MOTION TO STAY AND RECONSIDER ORDER OF THE BOARD OF SEPTEMBER 25, 1973, dated October 2, 1973 in the captioned matter have been served upon those on the attached Service List by deposit in the United States mail, first class or air mail, this 2nd day of October 1973.

Patricia M. Kreuter
Office of the Secretary of the Commission

Attachment -
Service List

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

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

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