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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'83 NOV -4 P3:00

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges  
Charles Bechhoefer, Chairman  
Dr. Frederick P. Cowan  
Dr. Jerry Harbour

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SERVED NOV 4 1983

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

ASLBP Nos. 78-389-03 OL  
80-429-02 SP

Docket Nos. 50-329 OL  
50-330 OL

Docket Nos. 50-329 OM  
50-330 OM

November 3, 1983

ORDER  
(Response to Applicant's Motion to Compel)

On November 2, 1983, the Applicant filed a "Motion to Compel and Application for Enforcement of Subpoenas Against GAP Deponents." We received this motion on November 3, 1983, in Midland, Michigan. The filing in essence reacts to the alleged failure of the GAP deponents to adhere to the requirements of the Notice of Deposition served on October 19, 1983, which provided that certain specified documents be produced by October 27, 1983, and that the first of four depositions be taken on November 10, 1983. The Applicant also seeks a shortening of the response time to its motion, "in order to resolve any issues before the November 10, 1983 scheduled deposition."

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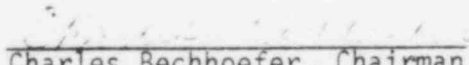
We granted the Applicant's request for a reduction in the response time. Responses to the motion are to be filed by close of business on Friday, November 4, 1983, by express mail to the Board at the Quality Inn, 1815 S. Saginaw Road, Midland, Michigan 48640, to enable us to receive it during the evidentiary hearing session on Monday, November 7, 1983. Oral responses on the record at Midland, Michigan on Monday, November 7, will also be entertained.

In providing for these responses, we wish to make it clear that we will not entertain further motions to reconsider our earlier rulings of August 31, 1983 and October 6, 1983 on these subpoenas, or to stay our orders to await disposition by the Appeal Board of the GAP deponents' appeal of those rulings. We will consider reasonable requests for modification of dates for document production or depositions, as long as such requests are accompanied by commitments to honor any modified dates. We also will entertain arguments concerning our authority to require the GAP deponents to reimburse certain costs (past and future) sought by the Applicant in its motion.

The GAP deponents are being advised by telephone on November 3, 1983 of this order.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE

November 3, 1983