

8/23/83

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '83 AUG 25 A11:26

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD SECRETARY
DOCKETING & SERVICE
BRANCH

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

APPLICANT'S MOTION FOR AN
EXTENSION OF TIME TO RESPOND TO
MS. STAMIRIS' AND MS. SINCLAIRS'
"MOTION TO RECONSIDER ORDER
UPHOLDING ATTORNEY-CLIENT PRIVILEGE, etc."

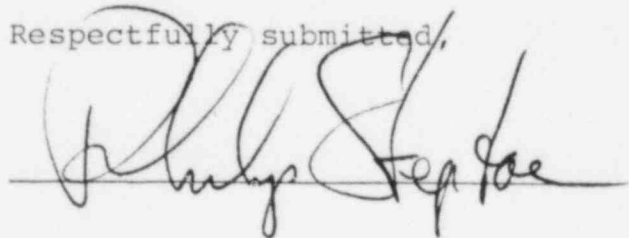
Applicant hereby requests an extension of time until September 2, 1983 to respond to Intervenor's "Motion to Reconsider Order Upholding Attorney-Client Privilege Protection for November 24, 1982 Consumers-Bechtel Meeting." In support of this motion, Applicant states that although the certificate of service indicates that Intervenor's motion was mailed on August 12, 1983, the motion was not received at Isham, Lincoln & Beale's office in Washington, D.C. until August 17, 1983. In addition, Intervenor's motion was not served on Isham, Lincoln & Beale's Chicago office. These circumstances have reduced the time which would otherwise be available to Applicant to prepare a response. In addition, the attorney at Isham, Lincoln & Beale who is most familiar with this area of law has other commitments which will delay him in turning his attention to

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researching and preparing a response to Intervenors' motion. Finally, evidentiary hearings are not scheduled to resume in this proceeding until September 19, 1983; therefore, the requested extension will not result in any delay in this proceeding nor in any prejudice to other parties.

Since my understanding is that Ms. Bernebei is out of town this week, I have not attempted to contact her. I assume that Intervenors' position with respect to this request for an extension of time can be ascertained in the conference call presently scheduled for Thursday, September 25. I am authorized to state that while the NRC Staff is not taking a position with respect to this attorney-client privilege issue, it has no objection to the requested extension.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Philip S. Beale", written over a horizontal line.

ISHAM, LINCOLN & BEALE
Three First National Plaza
Suite 5200
Chicago, Illinois 60602
(312)558-7500

SERVICE LIST

Frank J. Kelley, Esq.
Attorney General of the
State of Michigan
Carole Steinberg, Esq.
Assistant Attorney General
Environmental Protection Div.
720 Law Building
Lansing, Michigan 48913

Myron M. Cherry, Esq.
Cherry & Flynn
Suite 3700
Three First National Plaza
Chicago, Illinois 60602

Mr. Wendell H. Marshall
4625 S. Saginaw Road
Midland, Michigan 48640

*Charles Bechhoefer, Esq.
Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory Comm.
Washington, D. C. 20555

*Dr. Frederick P. Cowan
6152 N. Verde Trail
Apt. B-125
Boca Raton, Florida 33433

Mr. D. F. Judd
Babcock & Wilcox
P. O. Box 1260
Lynchburg, Virginia 24505

James E. Brunner, Esq.
Consumers Power Company
212 West Michigan Avenue
Jackson, Michigan 49201

*Lynne Bernabei
Thomas Devine
Louis Clark
Government Accountability Project
of the Institute for Policy Studies
1901 Q Street, N.W.
Washington, D. C. 20009

Steve Gadler, Esq.
2120 Carter Avenue
St. Paul, Minnesota 55108

Atomic Safety & Licensing
Appeal Panel
U.S. Nuclear Regulatory Comm.
Washington, D. C. 20555

Mr. Scott W. Stucky
Chief, Docketing & Services
U.S. Nuclear Regulatory Comm.
Office of the Secretary
Washington, D. C. 20555

Ms. Mary Sinclair
5711 Summerset Street
Midland, Michigan 48640

*William D. Paton, Esq.
Counsel for the NRC Staff
U.S. Nuclear Regulatory Comm.
Washington, D. C. 20555

Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory Comm.
Washington, D. C. 20555

Ms. Barbara Stamiris
5795 North River Road
Route 3
Freeland, Michigan 48623

*Dr. Jerry Harbour
Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory Comm.
Washington, D. C. 20555

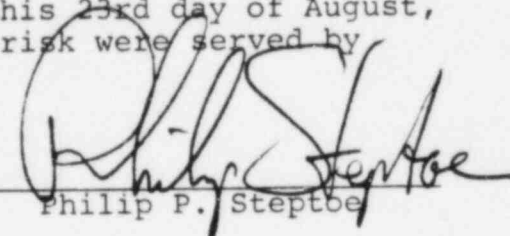
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

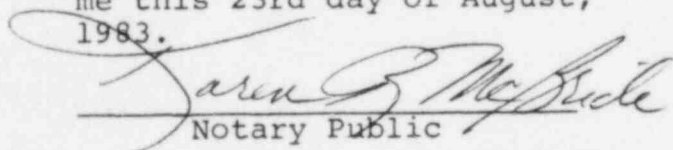
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CERTIFICATE OF SERVICE

I, Philip P. Steptoe, one of the attorneys for Consumers Power Company, hereby certify that a copy of Applicant's Motion for an Extension of Time to Respond to Ms. Stamiris' and Ms. Sinclairs' "Motion To Reconsider Order Upholding Attorney-Client Privilege, ect." was served upon all persons shown in the attached service list by deposit in the United States mail, first class, this 23rd day of August, 1983. Persons identified with an asterisk were served by Express Mail or Federal Express.


Philip P. Steptoe

SUBSCRIBED AND SWORN before
me this 23rd day of August,
1983.


Notary Public

My Commission Expires July 6, 1987