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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



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

Docket Nos. 50-329A
50-330A

NOTICE AND ORDER, REVISED DATES FOR
PREHEARING CONFERENCE AND EVIDENTIARY HEARING
(April 17, 1978)

By Notice and Order dated March 3, 1978, dates were set for a prehearing conference and an evidentiary hearing and a date for providing to the Board specific information prior to the prehearing conference.

On March 23, 1978, a motion for suspension of the said dates was filed on behalf of all parties in view of settlement negotiations. By order of March 28, 1978, the dates set in the March 3, 1978 order were suspended and a conference with counsel was called for April 13, 1978.

At the said conference with counsel, it became clear that the parties envisioned a complex negotiated settlement of a number of issues involving Applicant and intervenors, which settlement would include an agreement as to license conditions designed to cure the situations found by the Appeal Board in ALAB-452. No separate agreement on license conditions appears feasible. The time required to complete

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the proposed settlement negotiations may well be six months or more from the date of this notice and order. Moreover, while the parties are quite hopeful of settlement, there can be no assurance that a settlement will be reached finally. Counsel for each of the parties urge suspension of proceedings until negotiations are either successfully consummated or until chances of success become doubtful.

This Board believes that the parties are negotiating in good faith and that they are sincere in their belief that the proposed indefinite suspension is in the interest, not only of the parties, but also of the public. After consideration, taking into account the age of the case and the fact that the projected settlement involves items entirely outside of this proceeding, the Board concludes that the current proceedings before it should be conducted expeditiously.


Accordingly, in order to dispose of the remanded issues and in accordance with the provisions of 10 CFR 2.104, 2.750, 2.752 and 2.757, please take notice that a prehearing conference will be held at 9:30 a.m., local time, on May 12, 1978, in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Maryland 20014.

Please take further notice that an evidentiary hearing will commence at 9:30 a.m., local time, on June 6, 1978, in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Maryland 20014.

The data and documents listed in the Notice and Order of March 3, 1978 should be in the hands of the Board no later than May 8, 1978.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Hugh K. Clark, Chairman *per H.K.C.*

Dated at Bethesda, Maryland
this 17th day of April 1978.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this
18th day of April 1978.

Roger T. Downing
Office of the Secretary of the Commission

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