

Reg Files



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 FOR PREHEARING
CONFERENCE AND EVIDENTIARY HEARING
(March 3, 1978)

The Appeal Board in its decision on review of the antitrust decision of the Licensing Board in this proceeding (Consumers Power Company [Midland Plant, Units 1 and 2], ALAB-452, 6 NRC __), remanded this case to the trial Board for the formulation of "appropriate" license conditions required to eliminate the concerns entailed in the antitrust findings (Slip opinion, pp. 429, 432). On March 2, 1978, the Board held a conference with counsel for all parties to discuss the issues appropriate to be taken up at an evidentiary hearing, and to consider scheduling and other procedural subjects necessary for an expeditious hearing and disposition of the remanded matters.

The Board has concluded that in order to comply with order of remand, a prehearing conference should be held on April 13, 1978, and an evidentiary hearing should commence on May 8, 1978. Prior to the prehearing conference, and not

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later than April 7, 1978, the Board should have in hand a pretrial statement or brief from each party which should contain at least the following information:

1. A statement of the issues or contentions involved in the hearing and the parties' respective positions thereon.
2. Preliminary proposed license conditions deemed appropriate in accordance with the Appeal Board's opinion and findings.
3. Citations of relevant authority.
4. A list of witnesses who might be called by each party.
5. A brief summary of the testimony expected from each witness (no written direct testimony will be used at the hearing).

In addition, the parties are requested to have the following documents in the hands of the Board by the same date (April 7):

- (a) Annual reports of Consumers not previously in evidence, including the most recent drafts.
- (b) Form 1, FPC (now FERC).
- (c) Form 10 K (SEC).
- (d) Prospectuses of the last bond or stock issue of Consumers.

(e) The Dow exhibits described in ALAB-452, p. 431,
footnote 736.

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 April 13, 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 be held at 9:30 a.m., local time, on May 8, 1978, in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Maryland 20014.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Hugh K. Clark

Hugh K. Clark, Chairman

Dated at Bethesda, Maryland
this 3rd day of March 1978.

*per direction
Marshall E. Miller*

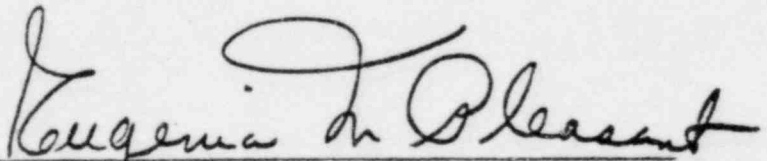
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CERTIFICATE OF SERVICE

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
6th day of March 1978.


Office of the Secretary of the Commission

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