

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Michael C. Farrar
Richard S. Salzman



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

)
)
) Docket Nos. 50-329A
) 50-330A
)
)

ORDER

March 4, 1976

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

Oral argument on the pending appeals from the July 18, 1975 initial decision of the Licensing Board in this anti-trust proceeding (LBP-75-39, NRCI-75/7 29) will be heard at 9:30 a.m. on Friday, April 30, 1976 in the NRC Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland. Each side is allotted three hours for the presentation of argument. The time of the three appellants shall be equally divided, unless those parties agree among themselves upon some other arrangement.

The appeals have been extensively briefed on both sides. The Board will therefore expect the parties at argument to proceed rapidly to the heart of the presented issues and to provide a succinct development of the principal bases being

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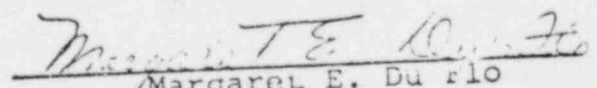
assigned for their respective conclusions regarding the correctness of the result reached by the Licensing Board. In this connection, the decision to allocate a total of six hours for argument was prompted solely by a desire to insure that counsel will have ample time available to respond to the questions which the Board may wish to address to them.

The Board will determine at a later date whether there are any particular issues on which counsel should be especially well prepared. Such issues, if any, will be identified in a subsequent order rendered no less than two weeks before the date of argument.

The Secretary to this Board should be advised, by letter mailed no later than April 23, 1976, of the names of counsel who will be presenting argument. The letter of each party should also list those decisions and other authorities cited in that party's brief(s) upon which chief reliance is being placed.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING
APPEAL BOARD


Margaret E. DuFlo
Secretary to the
Appeal Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Docket No.(s) 50-329A
50-330A

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
5th day of March 1976.

Robin V. Paulos
Office of the Secretary of the Commission

1. Notice of ORAL Argument dtd 3/4/76
2. APPEAL BOARD Order dtd 3/4/76

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