

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

NOTICE OF CONFERENCE WITH COUNSEL
(February 15, 1978)

On December 30, 1977, the Atomic Safety and Licensing Appeal Board filed its Decision on Review of Antitrust Decision of Licensing Board in this proceeding (Consumers Power Company [Midland Plant, Units 1 and 2], ALAB-452, 6 NRC __). By its decision, the Appeal Board remanded the case "to the trial Board for formulation of those conditions" required to eliminate the concerns entailed in its antitrust finding (Slip opinion, p. 429). It was further stated:

"We are well aware that conditions can change rapidly even in the public utility industry.... Be that as it may, our point is simply that this change cautions against drawing up licensing conditions on a stale record. Accordingly, we will refer that task to the Board below with instructions that it allow the parties to supplement the record with evidence concerning the proposed sale and any other significant changes that have occurred since the record was closed." (Slip opinion, pp. 430-431)

In carrying out the remand of this case, the Board desires to confer with counsel for all parties to discuss the issues appropriate to be taken up at an evidentiary hearing,

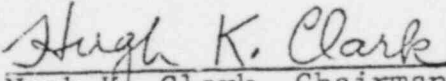
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and to consider scheduling and other procedural subjects necessary for an expeditious hearing and disposition of the remanded matters.

Accordingly, please take notice that a conference with counsel will be held at 9:30 a.m., local time, on March 2, 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, Chairman

Dated at Bethesda, Maryland
this 15th day of February 1978.

[7590-01]

**NUCLEAR REGULATORY
COMMISSION**

[Docket Nos. 50-329-A and 50-330-A]

**CONSUMERS POWER CO. (MIDLAND PLANT,
UNITS 1 AND 2)**

Reconstitution of Board

A vacancy has existed on this Board and it is necessary to appoint a third member for the further proceedings in this matter. Marshall E. Miller, Esq., is therefore designated as the third member of this Board.

Accordingly, the Board as reconstituted consists of the Chairman:

Hugh K. Clark, Esq., P.O. Box 127A, Kenndyville, Md. 21645.

and the following members:

Dr. J. Venn Leeds, 10807 Atwell, Houston, Tex. 77096.

Marshall E. Miller, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 3rd day of February 1978.

JAMES R. YORE,

*Chairman, Atomic Safety and
Licensing Board Panel*

[FR Doc. 78-3688 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket Nos. 50-275 and 50-323]

**PACIFIC GAS AND ELECTRIC CO. (DIABLO
CANYON NUCLEAR POWER STATION UNITS
1 AND 2)**

**Request for Order To Require Pacific Gas and
Electric To Cease Certain Work**

Notice is hereby given that by letter dated January 3, 1978, the Center for Law in the Public Interest, Los Angeles, Calif., requested that work involving modifications to the Diablo Canyon Nuclear Power Station Units 1 and 2 be halted pending seismic review of such modifications by the Staff and notice to the Advisory Committee on Reactor Safeguards. This request is being treated in accordance with 10 CFR 2.206 of the Commission's regulations. Action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the local public document room for the Diablo Canyon Nuclear Power Station located at the San Luis Obispo County Free Library, P.O. Box X, San Luis Obispo, Calif. 93406.

Dated at Bethesda, Md., this 31st day of January, 1978.

For the Nuclear Regulatory Com-
mission.

EDSON G. CASE,
*Acting Director, Office of
Nuclear Reactor Regulation.*

[FR Doc. 78-3687 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket No. 50-255]

PALISADES NUCLEAR GENERATING PLANT

**Availability of Final Addendum to the Final
Environmental Statement**

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Addendum to the Final Environmental Statement (NUREG-0343) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed conversion of the Palisades Plant from a provisional operating license to a full-term operating license at an increased power level. The Palisades Plant is located in Van Buren County, Michigan and is operated by the Consumers Power Company.

The Final Addendum is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Mich. The Final Addendum is also being made available at the Department of Management and Budget, Lewis Cass, Building, Lansing, Mich. 48913, and the southwestern Michigan Regional Planning Commission, 2907 Division Street, St. Joseph, Mich. 49085.

The notice of availability of the Draft Addendum to the FES for the Palisades Nuclear Plant and request for comments from interested persons was published in the FEDERAL REGISTER on November 29, 1976 (41 FR 52333). The comments received from Federal, State, and local organizations and interested members of the public have been included as an appendix to the Final Addendum to the FES.

Copies of the Final Environmental Statement (Document No. NUREG-0343) may be purchased, at current rates, from the National Technical Information Service, Springfield, Va. 22161. (Printed copy: \$6.50; Microfiche: \$3.)

Dated at Bethesda, Md., this 1st day of February 1978.

For the Nuclear Regulatory Com-
mission.

GEORGE KNIGHTON,
*Chief, Environmental Projects
Branch 1, Division of Site
Safety and Environmental
Analysis.*

[FR Doc. 78-3689 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket Nos. 50-516A and 50-517A]

**LONG ISLAND LIGHTING CO. AND NEW YORK
STATE ELECTRIC & GAS CORP.**

**Receipt of Attorney General's Advice and Time
for Filing of Petitions To Intervene on Anti-
trust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated January 26, 1978:

You have requested antitrust advice pursuant to Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited nuclear generating station.

Jamesport Nuclear Station, Units 1 and 2 were originally wholly owned by Long Island Lighting Co. (LILCO). On January 7, 1975, we rendered antitrust advice in which we concluded that no hearing would be necessary with regard to LILCO's application for a construction permit for those units.

Additionally, on December 27, 1974, we rendered antitrust advice concerning New York State Electric & Gas Corp. with respect to its application to construct the Somerset Nuclear Stations 1 and 2. At that time we advised of our conclusion that the activities under the license applied for would not create or maintain a situation inconsistent with the antitrust laws.

After examination of the current application and review of the relevant data, we have concluded that no intervening circumstances have appeared to warrant a reversal of the advice given with respect to the Somerset Nuclear Station.

We express no opinion, however, concerning the legality under the antitrust laws of the manner in which, or any arrangements pursuant to which, the plants will be operated, should they differ from or extend beyond those matters specifically disclosed in the company's application.

Accordingly, from the information available to us at the present time we conclude that no antitrust hearing by the Nuclear Regulatory Commission will be required with respect to this application.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 13, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Com-
mission.

JEROME SALTZMAN,
*Chief, Antitrust and Indemnity
Group Nuclear Reactor Regulation.*

[FR Doc. 78-3423 Filed 2-8-78; 8:45 am]

Handwritten initials: JWB

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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
16th day of Feb 1978.

Peggy T. Downing
Office of the Secretary of the Commission

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