

FROM: Secretary, AEC Washington, DC			DATE OF DOC 11-25-74	DATE REC'D 11-26-74	LTR	TWX	RPT	OTHER
TO: AEC			ORIG	CC	OTHER	SENT AEC PDR _____ SENT LOCAL PDR _____		
CLASS UNCLASS XXXXXXXXXX	PROP INFO		INPUT	NO CYS REC'D 2	DOCKET NO: 50-329-A/330-A			
DESCRIPTION: No ltr of trans rec'd w/hearing transcripts...				ENCLOSURES: Hearing Transcripts dated <u>11-25-74</u> Page _____ thru _____ <i>Reply Brief of Consumers Power Company</i> No. of cys rec'd <u>2</u> <i>see shelf</i>				
PLANT NAME: Midland 1 & 2								

FOR ACTION/INFORMATION 11-26-74 ehf

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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

Response of the Parties to
the Department's Request that the
Board Defer Issuance of License Conditions

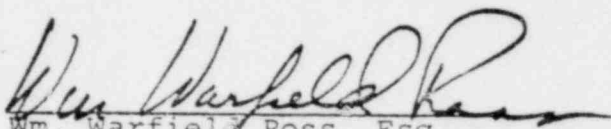
In its post-hearing brief (p. 252), the Department of Justice requested the Board, in the event that it found a situation inconsistent with the antitrust laws in this proceeding, to defer issuing specific license conditions until the parties have an opportunity to propose conditions in light of the Board's decision.

All of the parties concur that such a procedure would serve the public interest and should be adopted. We believe that in ruling upon the legal and factual issues raised in the proceeding and in setting forth generally the nature of the relief it deems appropriate, the Board will assist the parties in framing conditions which will satisfy their respective needs and desires. Such conditions would of course be subject to the Board's approval; but permitting the parties to draft specific conditions will, we believe, be of assistance to the Board. Should the parties prove unable to reach accord concerning one or more conditions within 30 days, the parties would then propose to explain their positions to the Board in memoranda supplementing their briefs.

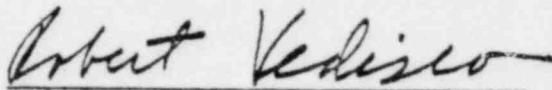
Anti-Trust
H-3

Under the procedure which we propose, the parties would be free to address issues relating to proposed relief in their reply briefs. However, because the Board's response may affect the content of the reply briefs, whose filing date is November 25, 1974, we respectfully request the Board to rule upon this proposal as soon as possible and to make notification of the decision by telephone.

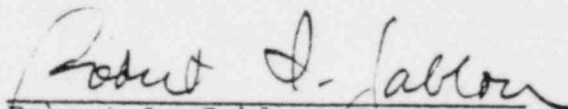
Respectfully submitted,



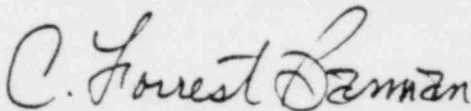
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Counsel for Department of Justice

November 1, 1974

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of RESPONSE OF THE PARTIES TO THE DEPARTMENT'S REQUEST THAT THE BOARD DEFER ISSUANCE OF LICENSE CONDITIONS, dated November 1, 1974, in the above-captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 1st day of November, 1974:

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