

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION



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

Docket No. 50-329A  
              50-330A

ORDER

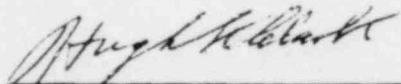
The death of Jerome Garfinkel after the closing of the voluminous record of live testimony presents questions of first impression for the Atomic Safety and Licensing Board Panel and for the Atomic Energy Commission. These questions are: "Should the remaining two members make the initial decision or should a third member of the Board be appointed?" "If a third member is appointed, should the existing record be ignored and a new record made or should the initial decision be made on the existing record?"

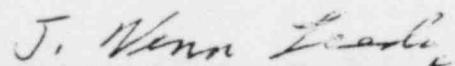
Counsel for the parties are requested to brief these questions, citing authorities, to assist the Panel and the

Commission in resolving them. Briefs should be filed by September 12, 1974.

At the request of the parties speaking through the AEC Staff, the time for filing the proposed findings of fact is extended to September 24, 1974.

THE ATOMIC SAFETY AND LICENSING  
BOARD PANEL

  
\_\_\_\_\_  
Hugh K. Clark, Chairman (*acting*)

  
\_\_\_\_\_  
J. Venn Leeds, Member

Issued this 19th day of August, 1974  
at Bethesda, Maryland.