

By [unclear] [unclear]

October 20, 1972

ANTI-TRUST

Keith S. Watson, Esq.
Wald, Harkrader & Ross
1320 - 19th St., N. W.
Washington, D. C. 20036

Re: Consumers Power Company
(Midland Plant, Units 1 and 2)
AEC Docket Nos. 50-329A, 50-330A

Dear Mr. Watson:

Pursuant to Mr. Rutberg's request, I have enclosed herewith a copy of proposed Section 105c(8) for inclusion in the Midland construction permit when issued.

Sincerely,

Benjamin H. Vogler
Assistant Antitrust Counsel
for AEC Regulatory Staff

Enclosure:
As stated

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

PROPOSED SECTION 105c(8) FOR MIDLAND CONSTRUCTION PERMIT

Pursuant to Section 105c(8) of the Act, the Commission has consulted with the Attorney General regarding the issuance of this construction permit. After said consultation, the Commission has determined that the issuance of this permit, subject to the conditions set forth in this subparagraph ____, in advance of consideration of and findings with respect to matters covered in Section 105c of the Act, is necessary in the public interest to avoid unnecessary delay in the construction permit of the facility. At the time this construction permit is being issued an anti-trust proceeding has been noticed, but antitrust hearings have not commenced. Therefore, the Commission has made no determination with respect to matters covered in Section 105c of the Act, including conditions, if any, which may be appropriate as a result of the outcome of any anti-trust proceeding. On the basis of its findings made as a result of an antitrust proceeding, the Commission may continue this permit as issued, rescind this permit or amend this permit to include such conditions as the Commission deems appropriate. Consumers Power Company and others who may be affected hereby are accordingly on notice that the granting of this construction permit is without prejudice to any subsequent licensing action, including the imposition of appropriate conditions, which may be taken by the Commission as a result of the outcome of any antitrust proceeding. In the course of its planning and other activities, Consumers Power Company will be expected to conduct itself accordingly.

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