

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NOTICE AND ORDER RESCHEDULING HEARING

On October 4, 1976, the Atomic Safety and Licensing Board (the Board) set an evidentiary hearing on whether the construction permits for the above-identified nuclear facility should be continued, modified or suspended pending completion of reopened hearings which will consider the issues remanded to the U.S. Nuclear Regulatory Commission (the Commission) by the U.S. Court of Appeals for the District of Columbia Circuit in Aeschliman v. NRC. Appeal Nos. 73-1776 and 73-1867, decided July 21, 1976.

The Intervenor herein with the exception of Dow Chemical Company have filed a motion to continue the suspension hearing until on or after November 29, 1976. The basis for this request is that counsel for the Intervenor is unable to handle the suspension hearing because of conflicting court commitments in the U.S. Circuit Court of Appeals for the Ninth Circuit. The Applicant opposes

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this Motion and the NRC Staff agrees to the request for continuance.

In view of the time limitations, the Board conducted a conference call with the parties on November 11, 1976.^{1/} At that conference call the Board heard extensive discussion from the parties regarding the need for the continuance and proposals regarding timing for any continuance. At the conference call, the Board ruled that there was good cause for the continuance and granted the motion. The Board then set the suspension hearing for November 30, 1976. The purpose of this Notice and Order is to set out that ruling and to reschedule the hearing.

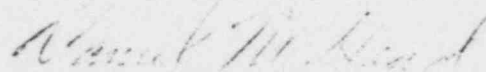
ACCORDINGLY, PLEASE TAKE NOTICE AND IT IS HEREBY ORDERED that the suspension hearing set for November 16, 1976, is continued until 9:30 a.m. on Tuesday, November 30, 1976, at the Holiday Inn, 1500 West Wackerly Road, Midland, Michigan. This hearing shall run continuously until all evidence and oral argument on the suspension issues has been received or until continued by further order of the Board.

^{1/} The call involved all parties except the Intervenor Dow Chemical Company who has not to date actively participated in the reopened proceeding.

Members of the public are invited to attend the suspension hearing and the Board will receive limited appearances prior to the taking of evidence at the hearing. Limited appearances will be restricted to ten (10) minutes each, unless the person requesting the limited appearance can show good cause for taking more time.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Daniel M. Head, Chairman

Issued at Bethesda, Maryland
this 15th day of November, 1976.