

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NOTICE AND ORDER SETTING A HEARING ON CONTINUATION,  
MODIFICATION, OR SUSPENSION OF CONSTRUCTION PERMITS

On July 21, 1976, the U.S. Court of Appeals for the District of Columbia Circuit in Nelson Aeschliman, et al. v. U.S. Nuclear Regulatory Commission, Nos. 73-1776; 73-1867, remanded this proceeding to the U.S. Nuclear Regulatory Commission (the Commission) for further consideration of the issues of nuclear waste disposal, fuel reprocessing, and energy conservation, and also for clarification of a report by the Advisory Committee on Reactor Safeguards. The Commission ordered that the proceeding be reconvened before an Atomic Safety and Licensing Board (the Board) to implement the remand order by the Court of Appeals.

Another issue arising from the Court remand and one which has been specifically raised by the Intervenor, is whether the construction permits for the Midland facility should be continued, modified, or suspended pending the outcome of these reopened proceedings. See the Commission's

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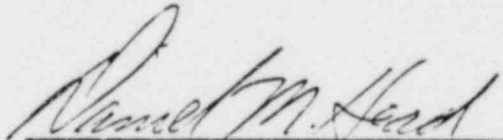
General Statement of Policy on the Environmental Effects of the Uranium Fuel Cycle (General Statement of Policy) issued August 13, 1976 (41 F.R. 34707), and the Commission's Memorandum and Order of August 16, 1976, its Joint Memorandum and Order in this proceeding and in the Vermont Yankee proceeding dated September 14, 1976, and its further Memorandum and Order dated September 14, 1976 in this cause. The Commission in its above-cited Orders required this Board to call for briefs on the suspension issue, and indicated in its General Statement of Policy and its Joint Memorandum and Order of September 14, 1976, that the question of modification or suspension of the Midland construction permits is not appropriate for summary disposition but should be decided in formal proceedings in light of the facts and applicable law. The Board has directed that such briefs be filed and is hereby setting a hearing on the suspension issue.

ACCORDINGLY, PLEASE TAKE NOTICE AND IT IS HEREBY ORDERED that a hearing will be held at 10:00 a.m., local time on October 6, 1976, at the Holiday Inn, 1500 Wackery Road, Midland, Michigan, on whether the construction permits for the Midland facility should be continued, modified, or

suspended pending the outcome of this reopened proceeding. The Board will receive evidence from the parties on the factors set out on page 9 of the Commission's General Statement of Policy insofar as they are applicable to the Midland case, and on any other pertinent matters relating to suspension. Also, the Board will permit cross-examination of witnesses and will conduct its own examination as necessary. In addition, after the evidentiary presentations, the Board will entertain oral argument on the suspension issue. This hearing shall run continuously until all evidence and all oral argument has been received or until continued by further order of the Board.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Daniel M. Head, Chairman

Issued this 21st day of September,  
1976, at Bethesda, Maryland.