

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

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Docket Nos. 50-329  
50-330

ORDER

(1) The parties have been unable to agree on the scheduling of witnesses for the evidentiary session beginning January 18, 1977. Because we are reluctant to interfere with the presentation of its case by a party carrying, at least, the burden of going forward with the evidence, our order will follow Licensee's proposal.

(2) The place of hearing for the session beginning January 18, 1977, has been changed to what, we are advised, is larger space. We will be in Room 1220 on January 18, 1977, and Room 204A for the balance of the week, both in the Everett McKinley Dirkson Building, 219 South Dearborn Street, Chicago, Illinois.

(3) The Board is unable to sit during the week of January 24, 1977, and the hearing will be in recess from January 21, 1977, until January 31, 1977, when it will reconvene at a time and a room to be designated.

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(4) Dow has requested that the December 14, 1976 transcript be amended to include:

"Mr. Wessel: I apologize for interrupting, but I must correct Mr. Rosso's statement, 'Dow has said they believe they have a valid contractual commitment.' Not to respond to an inaccurate comment when one is present, might well constitute an admission by silence in some future proceeding in which the nature of the Dow-Consumers contractual obligation is an issue.

"Dow has never taken the position that it has a valid contractual commitment with Consumers. What I said earlier, which has been Dow's position throughout, is that Dow will continue to honor our contractual obligations as we see them. There is, of course, a substantial difference between these two positions.

"Mr. Rosso: I apologize for inadvertently misquoting Mr. Wessel's position."

The Staff agrees with Dow except that it urges the following statement to be added to Mr. Rosso's comment:

"Mr. Wessel's correction does not change the import of what I said."

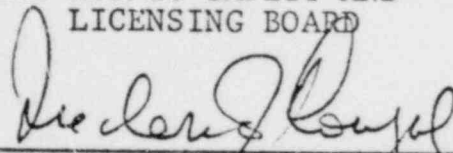
The Staff alleges the omission occurred after page 939 of the transcript and before page 940.

No party has objected to the Dow request nor that of the Staff. Both omissions therefore should be added to the transcript.

IT IS THEREFORE ORDERED:

- (I) That the order of witnesses to be heard during the session commencing January 18, 1977, shall be Mr. Keeley (Parts 1 and 2 of filed testimony), Mr. Howell, Mr. Temple, Mr. Weeds, Mr. Hein and Mr. Keeley (Parts 3 and 4);
- (II) That the time and place of hearing sessions will be as set out in parts 2 and 3 hereof;
- (III) That the transcript is ordered amended as asked and as set out in part (4) hereof; the reporter is directed to provide a new page 939A of the transcript containing the material there set out; the reporter shall distribute such new page to each party or other person to whom copies of the transcript have been furnished for inclusion in the transcript.

THE ATOMIC SAFETY AND  
LICENSING BOARD



Frederic J. Coufal, Chairman

Dated at Bethesda, Maryland,  
this 7th day of January, 1977.