

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

ORDER

Reference to "Intervenors" herein means all Intervenors other than Dow Chemical Company.

For reasons to be stated in a Memorandum to be issued,

IT IS ORDERED:

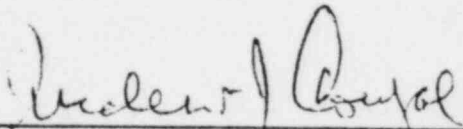
- (1) that the motion of the Licensee to defer these proceedings until the Commission has ruled on Licensee's "Motion for Stay of Orders in the Light of Changed Circumstances" is denied;
- (2) that the motion of Intervenors for a certification to the Appeal Board of our order denying the payment to Intervenors of financial assistance is denied;

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- (3) that the pre-filed rebuttal testimony of Licensee's witnesses Lapinski, Heins, and Ringlee as well as Staff's pre-filed rebuttal testimony entitled "NRC Staff Rebuttal Testimony of Sidney E. Field on Forecast Methodology and Alternative Rate Designs," "NRC Staff Testimony of Walter J. Gundersen on the Subject of Loss of Load Probability and Reserve Margins," and "NRC Staff Rebuttal Testimony of Arnold H. Meltz on the Financial Costs of Delay (Excluding Replacement Power)" shall not be disclosed to Dr. Timm prior to the time Dr. Timm finishes testifying, but that all other pre-filed testimony may be disclosed;
- (4) that Intervenors will have a reasonable time to prepare for cross-examination of the witnesses listed in paragraph (3) above after Dr. Timm completes his testimony and before such listed witness testifies;
- (5) that paragraphs (3) and (4) hereof do not rule whether or not any of the pre-filed testimony will be received by the Board; and

- (6) that the evidentiary hearing will resume on March 21, 1977, at 1:30 p.m. in the Main Courtroom of the United States Court of Appeals for the Seventh Circuit on the 27th Floor of the Everett McKinley Dirksen Building, Chicago, Illinois.

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
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Frederic J. Coufal, Chairman

Dated at Bethesda, Maryland,  
this 11th day of March, 1977.