

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

Order
(April 26, 1978)

On April 19, 1978 in ALAB-468, the Appeal Board entered an Order in this proceeding vacating the schedule established by the Licensing Board for a prehearing conference and the commencement of an evidentiary hearing related to the framing of appropriate antitrust license conditions. The Board was directed to take those steps which it believed appropriate to encourage a settlement and thus to avoid unnecessary litigation. It was assumed that the Board will wish to obtain regular progress reports from the parties to satisfy itself that the negotiations are being diligently carried on, and to insure that if settlement should become unlikely, the evidentiary hearing will then take place with no unnecessary further delay.

In accordance with ALAB-468, our notice and order dated April 17, 1978 is canceled, and the prehearing conference scheduled for May 12 and the evidentiary hearing to commence on June 6, 1978 are vacated. The briefs and other documents

8006300757

specified in our prior order will not be required at this time.

In order to monitor the progress of the pending negotiations and to obtain progress reports at regular intervals, a conference with counsel will be held at 9:30 a.m., local time, on May 31, 1978 in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Maryland 20014.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Hugh K. Clark

Hugh K. Clark, Chairman

Dated at Bethesda, Maryland
this 26th day of April 1978.