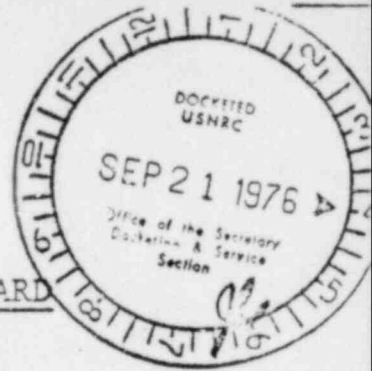


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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 Intervenors, 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

8007150 914

G

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

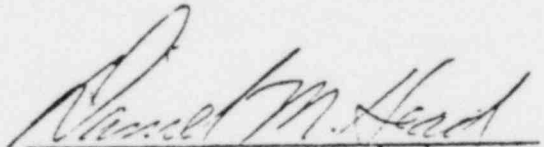
General Statement of Policy on the Environmental Effects of the Uranium Fuel Cycle (General Statement of Policy) issued August 13, 1976 (41 F.R. 34707), and the Commission's Memorandum and Order of August 16, 1976, its Joint Memorandum and Order in this proceeding and in the Vermont Yankee proceeding 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.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

CONSUMERS POWER COMPANY)

(Midland Plant, Units 1 and 2))
)
)
)
)
)

Docket No. (s) 50-329
50-330

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

21st day of Sept 1976.

Peony A. Downing

Office of the Secretary of the Commission

- * 1 - Bd's Memo - Order dtd 9/21/76
- * 2 - Bd's Notice and Order setting a Hearing on Continuation, Modification or Suspension of Constructed Permits dtd 9/21/76

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

Docket No. (s) 50-329
50-330

SERVICE LIST

Daniel M. Head, Esq., Chairman
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Emmeth A. Luebke, Esq.
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. J. Venn Leeds, Jr., Esq.
10807 Atwell
Houston, Texas 77096

Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Myron M. Cherry, Esq.
1 IBM Plaza
Chicago, Illinois 60611

Harold F. Reis, Esq.
Lowenstein, Newman, Reis & Axelrad
1025 Connecticut Avenue
Washington, D.C. 20036

Honorable William H. Ward
Assistant Attorney General
State of Kansas
Topeka, Kansas 66612

Irving Like, Esq.
Reilly, Like and Schneider
200 West Main Street
Babylon, New York 11702

Howard J. Vogel, Esq.
Knittle & Vogel
814 Flour Exchange Building
Minneapolis, Minnesota 55415

James A. Kendall, Esq.
Currie and Kendall
135 North Saginaw Road
Midland, Michigan 48640

Judd L. Bacon, Esq.
Consumers Power Company
212 West Michigan Avenue
Jackson, Michigan 49201

William J. Ginster, Esq.
Merrill Building, Suite 4
Saginaw, Michigan 48602

Milton R. Wessel, Esq.
J. Richard Sinclair, Esq.
Kaye, Scholer, Fierman, Hays & Handler
425 Park Avenue
New York, New York 10022

Honorable Curtis G. Beck
Assistant Attorney General
Seven Story Office Building
525 West Ottawa
Lansing, Michigan 48913

Lee Nute, Esq.
Michigan Division
The Dow Chemical Company
47 Building
Midland, Michigan 48640

Anthony Z. Roisman, Esq.
Roisman, Kessler and Cashdan
1712 N Street, N.W.
Washington, D.C. 20036

board and parties cont

page 2
50-329/330

Grace Dow Memorial Library
1710 West St. Andrew Road
Midland, Michigan 48640