

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 & 2))

NOTICE AND ORDER RESCHEDULING HEARING

On September 21, 1976, the Atomic Safety and Licensing Board (the Board) scheduled an evidentiary hearing on whether the construction permits for the above-identified nuclear facility should be continued, modified or suspended pending completion of reopened hearings which will consider all issues remanded to the U.S. Nuclear Regulatory Commission (the Commission) by the U.S. Court of Appeals for the District of Columbia Circuit in Aeschliman v. NRC, Appeal Nos. 73-1776 and 73-1867, decided July 21, 1976.

The Intervenor filed a motion to adjourn this suspension hearing or in the alternative to continue it from October 6, 1976, until on or after November 15, 1976. The basis for this request for continuance was that counsel for the Intervenor had previously scheduled court and administrative proceedings and commitments in connection with their preparation. The Commission Staff does not

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oppose the continuance but the licensee did file a response by telegram, taking the position that any continuance beyond a few days would not be acceptable since it wished to remove the cloud of the possibility of suspension as soon as possible.

The Board considers that the Intervenor's have shown good cause for a continuance and, accordingly, hereby grants the Intervenor's' motion in this regard. Insofar as the motion requests that the suspension hearing be adjourned and that the construction permits be immediately suspended, the Intervenor's' motion is denied. In view of time limitations, the Board will issue a separate memorandum and order setting forth the reasons for this denial.

In addition, the Board has now received briefs from the parties in response to its Memorandum and Order of September 21, 1976, with regard to defining further steps in the reopened proceedings. After review of these briefs, the Board will issue a memorandum and order to control further conduct of this proceeding. That memorandum and order will deal with such items as the Board's action on the ACRS letter, with discovery, with procedures to sharpen and define the issues for the remanded hearing, with the

requirements for filing written testimony in the suspension hearing and with any other actions that may aid in the orderly disposition of his proceeding.

ACCORDINGLY, PLEASE TAKE NOTICE AND IT IS HEREBY ORDERED, that the suspension hearing set for October 6, 1976, is hereby continued until 10:00 a.m. on Tuesday, November 16, 1976, at the Holiday Inn, 1500 West Wackerly Road, Midland, Michigan. This hearing shall run continuously until all evidence and oral argument on the suspension issues has been received or until continued by further order of the Board.

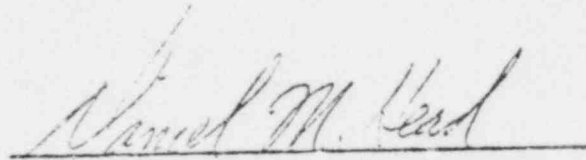
Members of the public are invited to attend the suspension hearing and the Board will receive limited appearances prior to taking of evidence at the hearing.^{1/} Limited appearances will be restricted to ten (10) minutes each, unless the person requesting the limited appearance

^{1/} The Board has received several letters and one telegram which requested permission to make limited appearances at the October 6 hearing. The Board has sent these requests to the Docketing and Service Section for service on the parties in accordance with Section 2.780(b) of the Commission's Rules of Practice, 10 CFR Part 2.

can show good cause for taking more time.

IT IS SO ORDERED.

BY ORDER OF THE ATOMIC SAFETY
AND LICENSING BOARD

A handwritten signature in dark ink, appearing to read "Daniel M. Head", is written over a horizontal line.

Daniel M. Head, Chairman

Issued at Bethesda, Maryland
this 4th day of October, 1976.