

June 14, 1977

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket Nos. 50-329  
50-330

NRC STAFF ANSWER TO "MOTION OF CONSUMERS POWER COMPANY  
FOR ORDER ESTABLISHING A SCHEDULE FOR THE REMANDED PROCEEDINGS"

By its motion of June 1, 1977, Consumers Power Company (Consumers) requested that the Atomic Safety and Licensing Board (Board) adopt a schedule for the remand proceeding. By letter dated June 2, 1977, All Intervenors Other Than Dow (Intervenors) objected to Consumers' Motion. The Staff generally supports Consumers' Motion that a schedule be adopted to control the remanded proceeding. However, an effective schedule cannot be planned before the Board reaches a decision on the suspension question.<sup>\*/</sup> The Staff would support an expedited schedule to establish contentions and to file testimony. Since the schedule for the remanded proceeding should be closely tied to the Board's decision on the suspension question, the Staff can make no comment on the specific dates presented by Consumers in its motion. The Staff views the remand proceeding to be controlled, in large measure, by the Board's decision on the suspension issue because litigation should be limited to those issues on

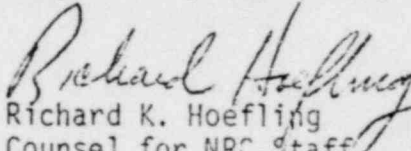
<sup>\*/</sup> This is also one of the views expressed by Intervenors in their June 2, 1977 letter to the Board.

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which an adequate record has not been developed and on which the Board does not make explicit findings in its suspension decision. Following this Board's decision on the suspension issue, an expedited schedule should be ordered requiring the filing of contentions and their basis and objections to contentions. A prehearing conference should then be scheduled to rule on contentions and establish a schedule for the filing of testimony and the commencement of the hearing.

Respectfully submitted,

  
Richard K. Hoefling  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 14th day of June, 1977.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF ANSWER TO 'MOTION OF CONSUMERS POWER COMPANY FOR ORDER ESTABLISHING A SCHEDULE FOR THE REMANDED PROCEEDINGS'" dated June 14, 1977 in the above-captioned proceeding, have been served on the following by deposit in the United States mail, first class or air mail, this 14th day of June, 1977:

Frederic J. Coufal, Esq., Chairman  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Honorable Curt T. Schneider  
Attorney General  
State of Kansas Statehouse  
Topeka, Kansas 66612

Dr. J. Venn Leeds, Jr.  
Atomic Safety and Licensing Board  
10807 Atwell  
Houston, Texas 77096

Ms. Mary Sinclair  
5711 Summerset Street  
Midland, Michigan 48640

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

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

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

L. F. Nute, Esq.  
Dow Chemical, U.S.A.  
Michigan Division  
Midland, Michigan 48640

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

Mr. Steve Gadler  
2120 Carter Avenue  
St. Paul, Minnesota 55103

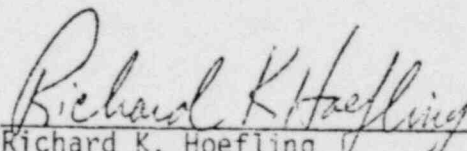
R. Rex Renfrow, III, Esq.  
David J. Rosso, Esq.  
Isham, Lincoln & Beale  
One First National Plaza  
Suite 4200  
Chicago, Illinois 60603

Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Norton Hatlie, Esq.  
Attorney-at-Law  
P. O. Box 103  
Navarre, Minnesota 55392

Atomic Safety and Licensing  
Appeal Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Docketing and Service Section  
Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

  
Richard K. Hoefling  
Counsel for NRC Staff