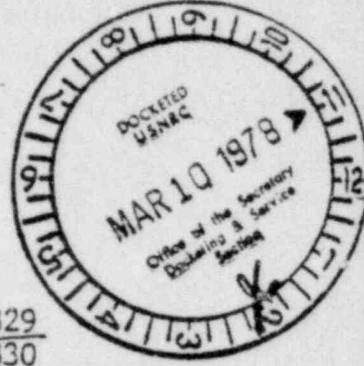


Reg. Files

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

3/9/78



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

Docket Nos. 50-329  
50-330

NOTICE OF PREHEARING CONFERENCE  
(March 9, 1978)

Pursuant to the remand order of the Court of Appeals for the District of Columbia Circuit in Aeschliman v. Nuclear Regulatory Commission, 547 F.2d 622 (D.C. Cir. 1976), and to the directions of the Commission in CLI-76-11, 4 NRC 65 (1976) and CLI-76-14, 4 NRC 163 (1976), the record in this proceeding has been reopened for consideration on the merits of the remanded and certain other issues. The Appeal Board, in affirming (ALAB-458, February 14, 1978) the Licensing Board's decision not to suspend the construction permit pending a decision on the merits, has identified the following matters to be considered at future hearings:

1. Appraisal of the environmental impact of the nuclear fuel cycle (ALAB-458, Slip Opinion, pp. 3, 13).
2. Consideration of the possible effects of energy conservation in reducing or eliminating the need for a plant of this size (ALAB-458, p. 3, 15).
3. Consideration of whether changed circumstances have affected the Dow Chemical Company's need for process steam which it is to receive from one of the units under an existing contract (ALAB-458, pp. 3, 21).

0007310 623  
6

4. Consideration of "unresolved safety issues", "design problems", "other problems" and their "resolution", "additional matters of concern to the committee", and "clarification of the ambiguities" involved in the ACRS letters and reports, as discussed in the Aeschliman opinion (547 F.2d 622, 630-632) and referred to by the Appeal Board (ALAB-458, Slip Opinion, pp. 4, 24-5, 43).
5. A full airing and resolution of charges "relating to an alleged, albeit unsuccessful, attempt by the applicant to prevent full disclosure of the facts relating to Dow's intentions with regard to its contract." Both this matter and the merits of the ACRS's unresolved safety issues are to be explored further by the Licensing Board, whether or not the parties are themselves otherwise interested in pursuing these matters (ALAB-458, Slip Opinion, pp. 30,43).

Pursuant to the provisions of 10 CFR 2.752, a prehearing conference will be held on April 20-21, 1978 for the purpose of identifying the issues, setting a hearing schedule and considering such matters as may aid in the orderly disposition of this reopened proceeding on remand. The parties are requested to have in the hands of the Board by April 14, 1978, the following papers:

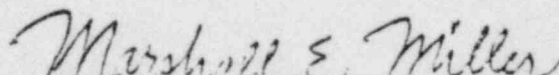
- (a) A prehearing statement or brief which shall set forth, in the form of contentions, all issues to be covered in the remanded hearing.

- (b) Stipulations concerning the existing record, any relevant facts, and the contents and authenticity of documents.
- (c) A list of witnesses and exhibits which each party intends to produce at the hearing, with a brief summary of each.
- (d) All motions with supporting documents or briefs.
- (e) A proposed hearing schedule.

Please take notice that a prehearing conference will be held at 9:00 a.m., local time, on April 20, 1978 in the U. S. Court of Appeals' 27th Floor, Auxiliary Courtroom, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Marshall E. Miller, Chairman

Dated at Bethesda, Maryland  
this 9th day of March 1978.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
CONSUMERS POWER COMPANY ) Docket No.(s) 50-329  
 ) 50-330  
(Midland Plant, Unit Nos. 1 and 2) )  
 )  
 )  
 )  
 )

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  
10<sup>th</sup> day of March 1978.

Peggy T. Sawring  
Office of the Secretary of the Commission

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
 )  
CONSUMERS POWER COMPANY ) Docket No.(s) 50-329  
 ) 50-330  
(Midland Plant, Units 1 and 2) )  
 )

SERVICE LIST

Marshall E. Miller, Esq., Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

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

Office of the Executive Legal Director  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

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

Honorable Charles A. Briscoe  
Assistant Attorney General  
State of Kansas  
Topeka, Kansas 66612

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

James . 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

Louis W. Pribila, Esq.  
Michigan Division Legal Dept.  
47 Building  
Dow Chemical USA  
Midland, Michigan 48640

Honorable Curtis G. Beck  
Assistant Attorney General  
State of Michigan  
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.  
Natural Resources Defense Council  
917 - 15th Street, N.W.  
Washington, D.C. 20005

Joseph Gallo, Esq.  
Isham, Lincoln & Beale  
1050 - 17th Street, N.W.  
Washington, D.C. 20036

Michael I. Miller, Esq.  
Caryl A. Bartelman, Esq.  
Isham, Lincoln & Beale  
One First National Bank Plaza  
Chicago, Illinois 60603

Ms. Mary Sinclair  
5711 Summerset Street  
Midland, Michigan 48640

Mr. Steve Gadler, P.E.  
2120 Carter Avenue  
St. Paul, Minnesota 55108

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