UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 13, 1978

MEMORANDUM FOR: Thomas F. Engelhardt, Acting Hearing Division Director and Chief Counsel, OELD

FROM: D. B. Vassallo, Assistant Director for Light Water Reactors, Division of Project Management, NRR

SUBJECT: BOARD NOTIFICATION - MIDLAND SETTLEMENT PROBLEM (BN-78-27)

On November 9, 1978, we received a recommendation from OELD to notify the Midland CP and OL Boards as well as the Commission of a 50.55(e) letter regarding settlement of the Diesel Generator Building foundations. The recommendation, while recognizing that procedures did not require notification of the OL Board at this time, pointed to the unusual circumstances of the Midland proceedings as a basis for notification.

Since a Prehearing Conference which will consider a contention on building settlement is scheduled for November 15, 1978, we agree that the OL Board should be made aware of the existing situation in this area.

Although we see no need to inform either the CP Board or the Commission, we have no objection to providing them with the same documentation for their information.

In addition to providing the information forwarded with the OELD memo, we recommend that you include the enclosed memorandum from Region III.

D. B. Vassallo, Assistant Director for Light Water Reactors
Division of Project Management

Enclosures:
As stated

ccs w/enclosures:
H. Denton
E. Case
J. Davis
R. Boyd
R. Mattson
V. Stello
R. DeYoung
D. Eisenhut
L. Nichols
B. Grimes
J. Stolz
R. Baer
C. Parr
S. Varga
IE (7)

XA Copy Has Been Sent to PDR

7904100117 XA