

Docket Nos. 50-329
and 50-330

MAR 24 1972

Consumers Power Company
ATTN: Mr. Russell Youngdahl
Senior Vice President
212 West Michigan Avenue
Jackson, Michigan 49201

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

Gentlemen:

The Commission has adopted new regulations, effective March 21, 1972, concerning the prohibition of site preparation and related activities prior to the issuance of a construction permit. A copy of the new regulations is enclosed for your information. You will note that the Midland facility is affected by the changes to 10 CFR 50.10 and 50.12 regarding site preparation and exemptions. In order that we may determine the extent to which the Midland facility is affected by the revised regulations we need answers to the following questions:

1. What is the per cent completion of site preparation activities for the Midland site?
2. If the answer to question 1 is less than 100%:
 - a. What site preparation activities are completed?
 - b. What site preparation activities are presently in progress?
 - c. What site preparation activities, not yet undertaken, are still to be accomplished?
3. Paragraph 50.10(d)(1) indicates that if you are, on March 21, 1972, conducting site preparation activities previously permitted, but now prohibited by the Commission's regulations, you may furnish to the Commission within 30 days after March 21, 1972, a written statement of any reasons, with supporting factual submission, why the activities should be continued pending the issuance of a construction permit. Do you plan such a filing? If so, forty copies of this information, certified by oath or affirmation, should be provided.

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This information, in addition to your "statement of reasons, with supporting factual submission," should include discussions on the balancing of the four considerations listed in 10 CFR 50.10(d)(2). In addition, this information should include your specific plans to minimize or reduce the environmental impact of the site preparation activities you are undertaking.

4. Any site preparation activities, not yet undertaken, are now prohibited by 10 CFR 50.10(c). Paragraph 10 CFR 50.12(a) indicates that the Commission may, upon application, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property of the common defense and security and are otherwise in the public interest. However, as indicated in the initial discussion of these rules "...it is expected that specific exemptions will be used only sparingly...". Do you plan to request an exemption? If so, when and for what specific activities?

Since an exemption, pursuant to 10 CFR 50.12, has already been granted for certain construction activities at the Midland site, you are required by the revised 10 CFR 50.12(b) to show cause, within 30 days of the effective date of the revised rules, why the exemption should not be revoked.

Regarding the activities presently authorized under the exemption, we understand that all construction activities have been suspended pending completion of the public hearing. Please verify this fact and indicate those activities already completed.

When you file the show cause information relating to your exemption it should include your present views on the balancing of the four considerations listed in 10 CFR 50.12(b) and your specific plans to minimize or reduce the environmental impact of the exemption activities you are undertaking. Forty copies of this information, certified by oath or affirmation, should be provided.

Ten copies of the information requested in this letter should be provided by March 31, 1972, so that we may plan the review activities required by

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the revised regulations in conjunction with our present review of your application for the construction permits for the Midland facility.

Sincerely,

Original signed by R. C. DeYoung

R. C. DeYoung, Assistant Director
for Pressurized Water Reactors
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Enclosure:

10 CFR - Prohibition of
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