

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

Docket Nos. 50-329  
                  and 50-330

NOTICE OF AVAILABILITY OF APPLICANT'S ENVIRONMENTAL REPORT;  
NOTICE OF CONSIDERATION OF ISSUANCE OF FACILITY OPERATING LICENSES;  
AND NOTICE OF OPPORTUNITY FOR HEARING

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Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has docketed the remainder of the application for facility operating licenses from Consumers Power Company (the applicant) which would authorize the applicant to possess, use, and operate two light water nuclear reactors (the facilities), located on the applicant's site in Midland County, Michigan. Each unit would operate at a core power level of 2452 megawatts thermal with a combined output of approximately 1300 megawatts electric.

In accordance with an exemption granted the applicant by the Commission on November 10, 1977, and pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in 10 CFR Part 51, the applicant tendered his Environmental Report on March 1, 1978. The Environmental Report was docketed on April 14, 1978. The portion of the application docketed by the Commission on November 17, 1977, consisted of the Final Safety Analysis Report, which is currently undergoing review. A notice of receipt of this portion of the application was published in the FEDERAL REGISTER on March 3, 1978 (43 F.R. 8870). The Environmental Report, which discusses

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environmental considerations related to the proposed operation of the facility is being made available at the Office of Intergovernmental Relations, Department of Management and Budget, Lewis Cass Building, Lansing, Michigan, for distribution to other State agencies that may wish to review the document.

After the Environmental Report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a Draft Environmental Statement will be prepared by the Commission's staff. Upon preparation of the Draft Environmental Statement, the Commission will cause to be published in the FEDERAL REGISTER a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of facility operating licenses to Consumers Power Company which would authorize the applicant to possess, use and operate the Midland Plant, Units 1 and 2, in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation on the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor

Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facilities was authorized by Construction Permits Nos. CPPR-81 and CPPR-82, issued by the Atomic Energy Commission on December 15, 1972. The applicant anticipates that construction of Unit 1 will be completed by October 1, 1982, and Unit 2 by October 1, 1981.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. As a condition to the licenses, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for

leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how the interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he

desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., by June 5, 1978. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Michael I. Miller, Esq., Isham, Lincoln & Beale, Suite 4200, One First National Plaza, Chicago, Illinois, 60670, attorney for the applicant.

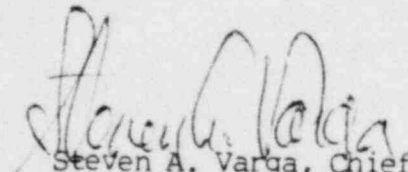
A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR §2.714(a)(1)-(4) and §2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated August 29, 1977, and the applicant's Environmental Report dated March 1, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., and at the Grace Dow Memorial Library, 1710 W. St. Andrews Road, Midland, Michigan 48640. As they become available, the following documents may be inspected at the above locations:

(1) the Safety Evaluation Report prepared by the Office of Nuclear Reactor Regulation; (2) the Draft Environmental Statement; (3) the Final Environmental Statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Steven A. Varga, Chief  
Light Water Reactors Branch 4  
Division of Project Management

Dated at Bethesda, Maryland,  
this 17th day of April 1978

NOTICE OF OPPORTUNITY FOR PUBLIC PARTICIPATION  
IN PROPOSED NRC LICENSING ACTION FOR MIDLAND PLANT

The Nuclear Regulatory Commission is giving notice that it is considering issuance of operating licenses to Consumers Power Company for operation of the Midland Plant, Units 1 and 2, located in Midland Township, Michigan.

The notice provides that within thirty days after publication of notice in the FEDERAL REGISTER on May 4, 1978, any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene with respect to whether operating licenses should be issued.

Petitions for leave to intervene must be filed under oath or affirmation and must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the above-referenced FEDERAL REGISTER notice and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Section, by June 5, 1978. A copy of the petition and/or request for hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Michael I. Miller, Esq., Isham, Lincoln & Beale, Suite 4200, One First National Plaza, Chicago, Illinois 60670, attorney for the applicant.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or the licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

A copy of the FEDERAL REGISTER notice is on file for public inspection at the Grace Dow Memorial Library, 1710 W. St. Andrews Road, Midland, Michigan 48640, between the hours of 10:00 am - 9:00 pm, Monday through Friday, and 10:00 am - 6:00 pm on Saturday, and the Commission has arranged for other documents and correspondence relating to the licensing of this facility to be kept at the same location.