

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

October 14, 1976



Dr. Dade W. Moeller
Chairman, Advisory Committee
on Reactor Safeguards
1016 - H Street
Washington, D.C. 20555

RE: CONSUMERS POWER COMPANY (MIDLAND PLANT, UNITS 1 & 2), DOCKET
NOS. 50-329/330

Dear Dr. Moeller:

The U.S. Court of Appeals for the District of Columbia Circuit in Aeschliman v. NRC, Appeal Nos. 73-1776 and 73-1867 (July 21, 1976), ruled that your Committee's report on the Midland facility should be returned to the ACRS for clarification, in particular for further elaboration on the reference to "other problems".

This Atomic Safety and Licensing Board has been reconvened by the Commission to conduct the reopened proceedings required by the above-identified Court decision. This reopened hearing includes the issue of clarification of the ACRS report. As required by the Court, we are hereby returning the ACRS report of June 18, 1970, with its supplement of September 23, 1970, to you for clarification. Would you advise us of what action your Committee is taking or plans to take with regard to Midland in response to the Court order. We would also appreciate an estimate of the time that will be required for the clarification called for by the Court.

A prompt reply would be helpful to the Board in assessing scheduling requirements for the reopened proceeding.

Very truly yours,

A handwritten signature in cursive script that reads "Daniel M. Head".

Daniel M. Head, Chairman
Atomic Safety and Licensing Board

Enclosure: ACRS report

cc w/o encl: Harold L. Reis, Esquire
Myron M. Cherry, Esquire
Jane A. Axelrad, Esquire
James N. O'Connor, Esquire



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Exhibit A.

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))
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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
19 day of Oct 1976.

Carlton D. Mallard
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

CONSUMERS POWER COMPANY)

(Midland Plant, Units 1 and 2))

Docket No. (s) 50-329
50-330

SERVICE LIST

Daniel M. Head, Esq., Chairman
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

Honorable William H. Ward
Assistant Attorney General
State of Kansas
Topeka, Kansas 66612

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

Howard J. Vogel, Esq.
Knittle & Vogel
814 Flour Exchange Building
Minneapolis, Minnesota 55415

James A. 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

Milton R. Wessel, Esq.
4 Little Lane
White Plains, New York 10605

Honorable Curtis G. Beck
Assistant Attorney General
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.
Roisman, Kessler and Cashdan
1712 N Street, N.W.
Washington, D.C. 20036

board and parties cont'd:

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1710 West St. Andrew Road
Midland, Michigan 48640