



NOTE DATE CHANGE

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

~~JUL 9 1980~~

JUL 22 1980

Docket Nos.: 50-329/330

MEMORANDUM FOR: A. Schwencer, Acting Chief, Licensing Branch No. 3,
Division of Licensing

FROM: D. S. Hood, Project Manager, Licensing Branch No. 3,
Division of Licensing

SUBJECT: FORTHCOMING MEETING FOR CONSTRUCTION AND LICENSING
REVIEW SCHEDULES - MIDLAND, UNITS 1 AND 2

DATE & TIME: August ²¹ 5, 1980
10:00 A.M. - 2:00 P.M.

LOCATION: Room P-110
Phillips Building
Bethesda, Maryland

PURPOSE: To discuss the schedules for construction and licensing
review of the Midland Plant, Units 1 and 2.

PARTICIPANTS: ¹ CPC NRC
J. Selby H. Denton
S. Howell D. Eisenhut
J. Cook R. Tedesco, et al
J. Sullivan W. Lovelace

¹ This meeting is open for interested members of the public, petitioners or other parties to attend as observers pursuant to Enclosure 2

A. Schwencer
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Enclosures:
Agenda
Open Meeting Policy
cc: See next page

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MEETING AGENDA

AUGUST 5, 1980

- I. Midland Plant Status and Background
 - A. General Description and History
 - B. Finance Hearings (MPSC), and Plans
 - C. State and Local Activities
 - D. Midland Response to TMI

- II. Midland Schedule
 - A. Status of Engineering and Construction
 - B. Scope/Schedule Analysis Process
 - C. Scope Definition
 - D. Reconciliation with Previous Estimates
 - E. Action Plan to Complete Construction

- III. Licensing Schedule Assessment and Resumption of Midland Docket Review
 - A. Bases for Midland Priority
 - B. CP Co. Schedule Assessment
 - C. Midland Review Plan Elements
 - D. NRC Input
 - E. Determine Follow-up Actions

POLICY STATEMENTS

In this order.

Commissioner Kennedy notes that he would prefer the use of the term "defer" to "terminate" in items (1) and (2) above.

The Commission will shortly publish a statement of the reasons underlying this decision. This statement will include the separate views of Commissioner Kennedy on the above-mentioned matter.

It is so ordered.

43 FR 1565
Published 1/10/78

PROGRAM FOR RESOLUTION OF GENERIC ISSUES RELATED TO NUCLEAR POWER PLANTS

Report to Congress

Notice is hereby given that in accordance with the reporting requirements of Section 210 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued a report to Congress entitled "NRC Program for the Resolution of Generic Issues Related to Nuclear Power Plants." The release date is January 1, 1978.

The Energy Reorganization Act of 1974 was amended by Pub. L. 95-209 on December 12, 1977, to include a new section 210 as follows:

UNRESOLVED SAFETY ISSUES PLAN

Sec. 210. The Commission shall develop a plan providing for specification and analysis of unresolved safety issues relating to nuclear reactors and shall take such action as may be necessary to implement corrective measures with respect to such issues. Such plan shall be submitted to the Congress on or before January 1, 1978, and progress reports shall be included in the annual report of the Commission thereafter.

In October 1976, the Commission directed the NRC staff to develop the generic issues program described in the report, and development and implementation of the program has proceeded over the past year. The NRC program, as developed by the staff, is considerably broader than the "Unresolved Safety Issues Plan" required by section 210. It includes plans for the resolution of generic environmental issues, for the development of improvements in the reactor licensing process, and for consideration of less conservative design criteria or operating limitations in areas where present requirements may be unnecessarily restrictive or costly.

The NRC program described in the report provides for the identification of generic issues, the assignment of priorities, the development of detailed Task Action Plans, projections of dollar and manpower costs, continuous high level management oversight of task progress, and public dissemination of information related to the tasks as they progress. The report in-

dicates that the program is expected to be fully operational by the end of February 1978 and that six of the highest priority (Category A) generic tasks are currently scheduled for completion in fiscal year 1978. One of the Category A tasks was completed in December 1977.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street NW., Washington, D.C. The report, designated NUREG-0410, may be purchased from the National Technical Information Service, Springfield, Va. 22161, at \$14.50 a copy on or about January 17, 1978.

43 FR 4294
Published 2/1/78

CAMERA COVERAGE OF HEARINGS BEFORE ATOMIC SAFETY AND LICENSING BOARDS AND ATOMIC SAFETY AND LICENSING APPEAL BOARDS

General Statement of Policy

The Nuclear Regulatory Commission has considered requests from television stations and newspapers to permit the use of cameras during proceedings before Atomic Safety and Licensing Boards and Atomic Safety and Licensing Appeal Boards. In the past the NRC has permitted cameras to be used only before and after adjudicatory sessions and during recesses. The Commission has decided that, on a trial basis, it will permit the use of television and still cameras by accredited news media under certain conditions. Cameras may be used by news media during hearings and related public proceedings before Atomic Safety and Licensing Boards and Atomic Safety and Licensing Appeal Boards provided they do not require additional lighting beyond that required for the conduct of the proceeding and are stationed at a fixed position within the hearing room throughout the course of the proceeding. It will continue to be the practice of the hearing and appeal boards to use Federal or State court rooms where these facilities are available and in such cases the policy of those courts in regard to the use of cameras will be observed.

The Commission plans to reassess this policy in about six months after its hearing and appeal boards have had sufficient experience with camera coverage to determine whether it can be carried out without disruption to the proceeding or unacceptable distraction to the participants.

43 FR 28058
Published 6/28/78

DOMESTIC LICENSE APPLICATIONS

Open Meetings and Statement of NRC Staff Policy

The Nuclear Regulatory Commission's (NRC's) regulations in 10 CFR 2.102 permit applicants to confer informally with the NRC technical staff during reviews of domestic license or permit applications. These meetings have served as an essential means for the exchange of technical information and views necessary for the technical review of applications. For several years other parties or potential parties to domestic licensing proceedings, as well as members of the general public, have, upon request, been permitted to attend applicant-NRC technical staff meetings as observers. However, the Commission's regulations do not require that others be permitted to attend such informal meetings between applicant and staff, and the general practice being followed in this regard has never been formally articulated. This statement is intended to provide such articulation. It is also noted that this matter is related to the provision for increased public participation which was approved by the Commission during its consideration of NUREG 0292 (Denton Report).

As a general matter, the Commission and staff try to involve concerned citizens in any Commission activity in which they have expressed an interest. All meetings conducted by the NRC technical staff as part of its review of a particular domestic license or permit application (including an application for an amendment to a license or permit) will be open to attendance by all parties or petitioners for leave to intervene in the case. These meetings are intended by the NRC technical staff to facilitate an exchange of information between the applicant and the staff. It is expected that the NRC technical staff and the applicant will actively participate in the meeting. Others may attend as observers. Likewise, when meetings are scheduled between the staff and other parties or petitioners, applicants would be permitted to attend only as observers.

The general policy of open meetings described above will admit of only a few exceptions, which must be approved by the Director of the relevant division. For example, some persons may not be permitted to attend meetings where classified or proprietary information (including sensitive safeguards information) is to be discussed. The NRC staff will prepare a written summary of the unclassified and non-proprietary portions of such meetings and forward the summary to interested persons unable to attend so that they will be informed of what transpired at the meeting. However, attendance will not be limited solely because preliminary opinions, recommendations, or advice will be offered

POLICY STATEMENTS

on the merits of the applications during the meeting.

When a party or petitioner for leave to intervene requests, reasonable efforts will be made by the NRC staff to inform the party or petitioner of forthcoming meetings conducted by the NRC technical staff so that appropriate arrangements for attendance can be made. It is recognized that in some cases the need for a prompt meeting may make it impossible or impracticable to notify all parties and petitioners. The policy described above also cannot practicably be applied to chance encounters between NRC technical staff personnel and other parties or petitioners but such chance encounters will not be permitted to serve as a source of information for the conduct of licensing reviews.

The standardization program has been guided by this principle from its inception and it is our intent that this should continue. The staff discussed the revised standardization program with the Department of Justice. While the Department of Justice did not conduct an independent evaluation, which in its opinion would be unnecessarily duplicative, it did review the results of the staff's efforts. That review did not identify any antitrust concerns inherent in the revised standardization program beyond those perceived by the staff. However, the potential exists that improper utilization of the standardization program by applicants may lead to these antitrust concerns. Accordingly, the staff will monitor the standardization program to assure that each applicant properly considers antitrust matters in developing or using standard designs. The staff will take appropriate action if it detects the development of a situation that appears to have the potential for creating problems of an antitrust nature.

The staff has prepared a report of its study; the report provides a summary of the information used in the study, presents the public comments received in response to the Commission's prior statement, and presents the staff's assessment of this information in support of its conclusions and recommendations. The Commission has reviewed these recommendations with the staff. The specific actions to be taken by the staff are described in the following discussion.

REFERENCE SYSTEM CONCEPT

The reference system concept involves the approval of a standard design for most of a nuclear plant or a major fraction of a nuclear plant outside of the context of an application for a construction permit or operating license. Approval by the staff is granted to a designer in the form of a preliminary design approval (PDA) or a final design approval (FDA). Twelve preliminary design approvals have been issued to date and 5 of the approved designs have been referenced in 11 construction permit applications. Staff approvals of such designs do not constitute Commission approval. Each utility application referencing a PDA must be subjected to a public hearing process prior to the award of a construction permit. No application for an FDA has yet been received. The Commission's policy statement of June 29, 1977, described two types of final design approvals then being considered by the staff; one was an FDA-1 which could be referenced only in operating license applications for plants whose construction permit applications referenced the corresponding PDA, and the other was an FDA-2 which could be referenced in applications for construction permits or combined construction permits and final design approvals for purposes of issuance of operating licenses.

PRELIMINARY DESIGN APPROVALS

To date, preliminary design approvals for nuclear island designs and for nuclear steam supply system designs have been issued for a period of 3 years; preliminary design approvals for balance of plant designs have been issued for a period of 3 years from the earlier date of the approval of the mating nuclear steam supply system design. These periods were selected considering the number of plant license applications anticipated at the time, the experience of changes in safety requirements that were then occurring with time, and the newness of the concept. Experience has shown the effectiveness of the preliminary design approval in construction permit application reviews. However, it is now apparent that, because of the prevailing depressed market for nuclear plants, the 3 year period of effectiveness used to date for the PDA limits the ability of an architect-engineer to develop balance of plant designs to mate with approved nuclear steam supply system designs well before the latter terminate, and thus obtain a reasonable return on investment by use of its designs in one or more plants. Considering these factors, the current low order rate for nuclear plants, which effectively reduces the number of units likely to use a specific standard design, and the significantly increased stability in licensing requirements obtained through use of the standard review plan (issued in November 1975) and the review of proposed changes in staff safety requirements by the Regulatory Requirements Review Committee (established in early 1974), the staff will increase the effective period of preliminary design approvals issued in the future from 3 to 5 years.

All preliminary design approvals issued to date for balance of plant designs are set to terminate 3 years after issuance of the earlier PDA for the mating nuclear steam supply system even if this results in a relatively short lifetime for the balance of plant PDA. The staff now views this requirement to be an unnecessary penalty on balance of plant designers. Accordingly, the staff will extend the period of each PDA already issued for a balance of plant design to 3 years from the date of its issuance, and will make each PDA for a balance of plant design issued in the future effective for a period of 5 years. If the PDA for the nuclear steam supply system has expired, the staff will still permit the mating standard balance of plant design to be referenced in a construction permit application will treat it as an approved standard design, provided that the application includes the information needed to update the nuclear steam supply system design which will be treated as a custom design. Even though there will likely be some attendant delay in review time because of the reversal in the normal staff

43 FR 38954

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STATEMENT ON STANDARDIZATION OF NUCLEAR POWER PLANTS

The initial statement of the Atomic Energy Commission (AEC) on standardization of nuclear power plants was issued in April 1972. In March 1973, the AEC announced the staff's readiness to implement the standardization policy utilizing three distinct concepts; namely, the manufacturing license concept, the duplicate plant concept, and the reference system concept. In August 1974, the AEC announced that the replicate plant concept would be acceptable as a transitional step toward standardization. The AEC was abolished and its regulatory responsibilities assigned to the newly formed Nuclear Regulatory Commission (the Commission) on January 19, 1975. On June 29, 1977, the Commission issued a statement that reaffirmed its support of standardization and requested comments and suggestions on proposed new guidance developed by the staff and on other steps that the Commission might undertake to further encourage standardization. The statement, which was published in the FEDERAL REGISTER on July 5, 1977, also noted staff plans to use such comments and suggestions in its continuing study of standardization.

On the basis of its study, the staff has concluded that certain changes to the Commission's standardization program should be implemented, and that these changes can be implemented within existing regulations. The staff has further concluded that the program, as changed, will continue to allow applicants to utilize a variety of design options in ways that can avoid the development of significant adverse antitrust consequences. The Commission continues to recognize its responsibility to provide a standardization program that can be used effectively without contributing to such concerns.