

Docket Nos. 50-329✓  
and 50-330

OCT 4 1971

Mr. W. H. Nielsen  
4605 Bristol Court  
Midland, Michigan 48640

THIS DOCUMENT CONTAINS  
POCR QUALITY PAGES

Dear Mr. Nielsen:

This is in response to your letter to President Nixon dated August 18, 1971, concerning the status of the AEC construction permit proceeding for the proposed Midland nuclear power plant.

As you may be aware, the evidentiary hearing in this proceeding began in Midland on June 21, 1971, after several months of pre-hearing procedures. The hearing was in session for seventeen days between June 21 and July 23, and, during this period, extensive oral and documentary evidence was received on several safety-related issues in the proceeding. On July 23, when the hearing was recessed, certain matters were left for future consideration.

The principal pending matters in the Midland proceeding appear to be the question of emergency core cooling effectiveness and questions arising under the National Environmental Policy Act of 1969 (NEPA). For the reasons stated below, it is not possible at this time to proceed to completion with respect to these matters.

First, with respect to the issue of emergency core cooling system effectiveness, the Commission on June 29, 1971, published interim acceptance criteria for emergency core cooling systems. As a result of the implementation of these criteria, Consumers Power Company (the applicant in the Midland proceeding), and several other applicants for power reactor construction permits, have been asked by the AEC regulatory staff to submit additional information for staff review. Upon completion of its review, the staff will, if appropriate, offer additional testimony in the Midland proceeding on the subject of the effectiveness of the emergency core cooling system proposed to be utilized in the Midland plant.

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Second, with respect to matters arising under NEPA, on September 9, 1971, the Commission published revised regulations implementing NEPA, which take into account a recent decision of the United States Court of Appeals for the District of Columbia Circuit in the case of Calvert Cliffs' Coordinating Committee et al. v. AEC et al., Nos. 24,839 and 24,871 (July 23, 1971). These regulations apply to the proposed Midland plant. In this proceeding as in others of the same type, the regulations require the submission of additional information by the applicant, a further NEPA review by the AEC regulatory staff, and an independent review by the presiding Atomic Safety and Licensing Board.

It should be noted that the Commission's NEPA regulations direct the presiding Board in a case such as Midland to proceed as expeditiously as possible with non-NEPA matters pending completion of the staff's NEPA environmental review.

We are enclosing, for your information, copies of the Commission's statements announcing the adoption of the interim acceptance criteria for emergency core cooling systems and the NEPA regulations discussed above.

Sincerely,

Peter A. Morris, Director  
Division of Reactor Licensing

Enclosures:

1. "Licensing of Power Reactors"
2. Press Releases (3)

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Docket Nos. 50-329  
 50-330

Mr. W. H. Nielsen  
 4605 Bristol Court  
 Midland, Michigan 48640

Dear Mr. Nielsen:

Your letter of August 18, 1971 to President Nixon has been referred to this office for reply. You expressed concern because Consumers Power Company has not yet received a construction permit for the proposed Midland Nuclear Power Plant. The enclosed booklet, "Licensing of Power Reactors," describes the steps that must be taken to license a nuclear power station for construction and operation. You will note that page 8 describes the hearing process for issuance of the construction permit.

The public notice of the hearing for the Midland plant was issued October 29, 1970. Evidentiary hearings were held in Midland during the period June 21 through July 23, 1971. The hearings were recessed for further consideration of matters related to the plant's emergency core cooling system and also its effect on the environment. Enclosed is a copy of AEC Press Release O-99, issued June 19, 1971. This describes the AEC's policy on performance of emergency core cooling systems in light-water nuclear power plants. Also enclosed is one copy each of Press Release O-134 and O-156, which pertain to the AEC's implementation of the National Environmental Policy Act. It can be seen that these releases bear directly on the issuance of a construction permit for the Midland plant, and explains why the application is receiving further consideration.

I hope this letter has helped place the Midland plant license application in perspective. Should you require further comment on this matter, please let me know.

Sincerely,

Peter A. Morris, Director  
 Division of Reactor Licensing

Enclosures:

- "Licensing of Power Reactors"

OFFICE ▶	Press Releases (3)	DR	OGC	ADIR:ADM:DR	DRL
SURNAME ▶	<i>WHL</i>	WLRice:jdw		CLHenderson	PAMorris
DATE ▶	9/14/71	9/ /71	9/ /71	9/ /71	9/ /71

FROM  
**W. H. Nielsen**  
4605 Bristol Court  
Midland, Mich.

CONTROL NUMBER  
**3662**

FILE LOCATION

DATE OF DOCUMENT  
**8/18/71**

ACTUAL COMPLETION DEADLINE

TO  
**President Nixon**

ACTION PROCESSING DATES

PREPARE FOR SIGNATURE OF:

Acknowledged \_\_\_\_\_

\_\_\_\_\_  
Chairman

Interim Report \_\_\_\_\_

\_\_\_\_\_  
Director of Regulation

Final 11/19/71

DESCRIPTION    **Ltr**     Original     Copy     Other 15/7/71

REMARKS

**Appeal to the President to stop the delays in the hearings on the Midland Plant**

REFERRED TO	DATE	IS NOTIFICATION TO THE JCAE RECOMMENDED?
<b>Henderson f/action (Cook)</b>	<b>8/31/71</b>	_____

Cys:  
**Morris**  
**FDR (50-329)**  
**(50-329)**  
**(50-330)**

DO NOT DETACH THIS COPY

DIRECTOR OF REGULATION  
COMMUNICATIONS CONTROL

Form HQ-32 (6-70)  
USA EC

OFFICE OF THE CHAIRMAN

\_\_\_\_\_  
(Date)

TO:

*Gen. Robert DR*

REPLY FOR CHAIRMAN'S SIGNATURE

REPLY FOR SIGNATURE BY GM \_\_\_\_\_ DR \_\_\_\_\_ *11 14432*  
(Please send two copies of reply to Office of Chairman)

*Gen DR*

FOR APPROPRIATE HANDLING

FOR INFORMATION: GM \_\_\_\_\_ DR \_\_\_\_\_ Commissioners \_\_\_\_\_

REMARKS:

\_\_\_\_\_  
\_\_\_\_\_

Julius H. Rubin  
For the Chairman

4605 Bristol Court  
Midland, Michigan  
August 18, 1971

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President Richard M. Nixon  
The White House  
Washington, D. C.

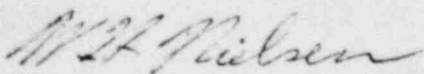
Dear Mr. President:

NUCLEAR POWER PROJECT - MIDLAND, MICHIGAN

A nuclear power project for Midland, Michigan continues to be bogged down by seemingly endless and creeping procedural delays. This project could be of immediate economic benefit to the Saginaw Valley in providing jobs through construction of a 400 million dollar nuclear power plant. This project is vital to the survival of the Midland plant of The Dow Chemical Company which presently employs 8,000 residents of this area. I support the economic program you initiated on August 15. I appeal to you to use the influence and powers of your office to stop the deliberate procedural delays which are jeopardizing my economic future and that of 200,000 other citizens of the Saginaw Valley.

Consumers Power Company's efforts to obtain a license for construction of a nuclear power plant in Midland are being opposed by several groups of intervenors. The intervenor groups appear to represent fewer than 100 people. This miniscule minority objects to numerous aspects of the proposed installation on the bases of inadequate safety provisions or of inadequate environmental protection. Their alleged objectives are laudable, but their strategy is clearly one of prolonging debate and thus avoid acceptance of knowledgeable decisions.

The citizens of the Saginaw Valley have a need and a right to receive an expeditious hearing on the Consumers Power Company project. Justice delayed is justice denied. Will you please help us obtain a fair hearing?

  
W. H. Nielsen

DR-182

REC'D OFF. OF ATG.  
Date 8/27/71  
Time 3:00