

August 22, 1978

STATUS REPORT - MIDLAND PLANT, UNITS 1 and 2

DOCKET NOS. 50-329/330

Construction Permit Review

On January 13, 1969, the applicant, Consumers Power Company, applied to our predecessor organization, the Atomic Energy Commission, for licenses to construct and operate two pressurized water nuclear reactors to be located at the Midland site on the southern boundary of Midland, Michigan, on the right bank of the Tittabawssee River. The proposed Midland plant consists of two 2452-thermal megawatt nuclear reactors designed and manufactured by the Babcock & Wilcox Company. Each of the reactors is housed in a leak-tight reinforced concrete containment structure being constructed by the Bechtel Corporation. A part of the thermal output of the plant will be in the form of process steam which will be exported to the Dow Chemical Company located across the river from the nuclear plants.

The plant was reviewed by the AEC regulatory staff and by the Advisory Committee on Reactor Safeguards (ACRS). On November 12, 1970, the Atomic Energy Commission issued its Safety Evaluation Report which concluded, among other things, that there is reasonable assurance that the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that issuance of a permit for the construction of the facility will not be inimical to the common defense and security or the health and safety of the public.

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The Midland Safety Evaluation Report was supplemented on January 14, 1972, to provide our review and conclusions regarding the Midland Plant emergency core cooling system, radioactive waste treatment system, and Consumers Power Company's financial qualifications. A second supplement was issued in July 1977 to address generic items identified by ACRS. A Final Environmental Statement providing the results of our review of the environmental aspects of the plant was issued in March 1972 and supplemented in June 1977. Copies of the Safety Evaluation Report and the Final Environmental Statement, both with supplements, are appended to this report. Construction Permits CPPR-81 and CPPR-82 authorizing construction of the Midland Plant, Units 1 and 2, were issued to Consumers Power Company on December 15, 1972.

Hearings

Appendix A of Supplement 2 to our Safety Evaluation Report for the Midland Plant lists the chronology of milestones since issuance of the Safety Evaluation Report, including hearing activities to November 30, 1976. From Appendix A it can be seen that prior to issuance of the construction permits, public hearings were held beginning on December 1, 1970, and after several resumptions, ended on June 15, 1972. Since issuance of the construction permits, Midland has been the subject of several other hearings. These other hearings have involved matters of quality assurance, antitrust, suspension or censure of attorneys, and certain "remanded" issues discussed below.

On July 21, 1976, the United States Court of Appeals for the District of Columbia Circuit in Nelson Aeschliman, et al v. U.S. Nuclear Regulatory Commission, 547 F2d 622, remanded certain issues related to the environmental and safety reviews of Midland. On August 16, 1976, the Commission reconvened an Atomic Safety and Licensing Board (Board) to consider whether the construction permits for the Midland Plant should be continued, modified, or suspended in light of the issues remanded by the D. C. Circuit. The remanded issues concern the appraisal of the environmental impact of the nuclear fuel cycle, the influence of energy conservation on the need for the plant, Dow Chemical Company's need for the process steam, and clarification of generic matters referred to by the Advisory Committee on Reactor Safeguards. The Board issued a Decision on September 23, 1977, declining to suspend the permits, which was subsequently upheld by the Atomic Safety and Licensing Appeal Board in ALAB-458 7 NRC 155, February 14, 1978. While Commission review of the Appeal Board's Decision was pending, the Court of Appeals' Decision to remand these issues was reversed by the Supreme Court in a Decision issued April 3, 1978 captioned Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 98 S.Ct 1197. As a result, the Commission is presently considering what issues, if any, remain in view of the Supreme Court's Decision. Copies of the Decisions by the Appeal Board and the Supreme Court are appended to this report.

Operating License Review

On August 29, 1977, Consumers Power Company tendered the Final Safety Analysis Report as part of the application for operating licenses. The Environmental Report for the Midland Plant was tendered on March 1, 1978. We docketed these reports and issued the appended Notice of Availability of Applicant's Environmental Report; Notice of Consideration of Issuance of Facility Operating Licenses; and Notice of Opportunity for Hearing.

In response to the Notice of Opportunity for Hearing, Mrs. Mary P. Sinclair requested a hearing and leave to intervene on her behalf and that of the Saginaw Valley Nuclear Study Group, and Mr. Frank J. Kelley, the Attorney General of the State of Michigan, filed a petition for leave to intervene. In the enclosed Memorandum and Order dated August 14, 1978, the Board ordered a hearing on the application for an operating license and ruled upon the petitions for leave to intervene. Details of the hearing are yet to be established; details will be noticed in the FEDERAL REGISTER and sent to participating parties and to State and local officials once established.

Our schedule for the radiological safety review is given in the appended letter to the applicant dated December 27, 1977. For the environmental review, we expect to issue a Draft Environmental Statement for the operating license stage in February 1979 and the Final Environmental Statement in May 1979. Notices will be published in the FEDERAL REGISTER indicating the availability of these statements upon issuance.

Construction Status

Construction of Unit 2 is presently about 47 percent complete and Unit 1 is about 42 percent complete. The applicant's scheduled commercial operating date is March 1, 1981 for Unit 2 and March 1, 1982 for Unit 1.

Further Information Sources

The Nuclear Regulatory Commission has established an official local public document room at the Grace Dow Memorial Library, located at 1710 W. St. Andrews Road, Midland, Michigan 48640. The Commission also maintains a public document room at 1717 H Street, NW, Washington, DC 20555. Members of the public may review the application and related correspondence at these locations. All the documents referred to in this report are available there, including the FSAR and its amendments and the Environmental Report. All correspondence, including that between applicant and staff, is available in the public document room. All future correspondence on this application will also be available there.

Attachments:

1. Safety Evaluation Report
2. Supplement No. 1 to Safety Evaluation Report
3. Supplement No. 2 to Safety Evaluation Report
4. Final Environmental Statement
5. Supplement to Final Environmental Statement
6. Board Decision 9/23/77
7. ASLAB-458 7 2/14/78
8. Supreme Court Decision 4/3/78
9. Notice of Opportunity for Hearing
10. Memorandum & Order 8/15/78
11. Staff Letter dtd 12/27/77

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POOR ORIGINAL

FROM: Sen. Robert P. Griffin		ACTION CONTROL		DATES		CONTROL NO. 04345	
		COMPL DEADLINE		12/17/73		DATE OF DOCUMENT	
		ACKNOWLEDGMENT				1/14/74	
		INTERIM REPLY					
TO: LA		FINAL REPLY		1/10/74		PREPARE FOR SIGNATURE OF:	
		FILE LOCATION		1/11/74		<input type="checkbox"/> CHAIRMAN <input type="checkbox"/> EXECUTIVE DIRECTOR OTHER: <u>Omitted</u>	
DESCRIPTION <input type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER				SPECIAL INSTRUCTIONS OR REMARKS			
Request of Mrs. Robert Sobczak for info on the Alaband plant, including a status report							
CLASSIFIED DATA							
DOCUMENT/COPY NO.		CLASSIFICATION					
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111-751

EXECUTIVE DIRECTOR FOR OPERATIONS
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No. 78-1195 Logging Date 8/16/78

NRC SECRETARIAT

TO: Commissioner _____ Date _____
 Exec. Dir./Oper. _____ Gen. Counsel _____
 Cong. Liaison _____ Solicitor _____
 Public Affairs _____ Secretary _____

Incoming: Robert P. Griffin, USS
 From: Committee on Foreign Relations
 To: Congressional Date 8/14/78
 Subject: Re: constituent req: for info on Midland nuclear plant.

- Prepare reply for signature of:
- Chairman _____
 - Commissioner _____
- EDO, GC, CL, SOL, PA, SECY Date due Aug. 24
- Signature block omitted _____
 - _____
 - Return original of incoming with response

- For direct reply*
- For appropriate action
- For information
- For recommendation

Remarks: Cys to: OCA to Acknowledge

For the Commission: DAVI

*Send three (3) copies of reply to Secy Mail Facility

August 14, 1978

TO: Congressional Liaison
Nuclear Regulatory Commission

FM: Robert P. Griffin
U. S. Senator

A constituent, Mrs. Robert Sobczak, has requested information on the Midland Nuclear Reactor Plant. Any information you might be able to provide as well as a status report on the project will be appreciated.

Thank you,

RPG:nf

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Reg. Cent.

November 29, 1978

11/29/78

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

In the Matter of
CONSUMERS POWER COMPANY
(Midland Plant, Units 1 and 2)
Docket Nos. 50-329 and 50-330
(Operating Licenses Proceeding)

Dear Mr. Cherry:

In your November 20, 1978 letter, you request advance notification of meetings between the NRC Staff and persons from or representing Consumers concerning the Midland site. As you indicate, you have been receiving memorandums of meetings concerning such meetings. My records indicate that you have also been receiving meeting notices in advance of the meetings.

On June 28, 1978, a statement of NRC Staff policy regarding open meetings was published in the Federal Register (43 Fed. Reg. 28058). The NRC Staff has and will continue to adhere to this policy in matters involving the Midland application. Ms. Sinclair has attended such meetings in the past few months as have representatives of Mapleton Intervenors.

I trust this has been responsive to your request.

Sincerely,

William J. Olmstead
Counsel to NRC Staff

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Enclosure

cc: (w/o encl.)

Ivan W. Smith, Esq.
Mr. Lester Kornblith, Jr.
Dr. Frederick P. Cowan
Frank J. Kelley
Ms. Mary Sinclair
Michael I. Miller, Esq.
Judd L. Bacon, Esq.
Wendell Marshall

Atomic Safety & Licensing Board Panel
Atomic Safety & Licensing Appeal Panel
Docketing and Service Section

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POOR ORIGINAL

NAME	Steve Gaden				
OFFICE	LOFLD	OELD			
SURNAME	WOlmstead:ns	Tourtellotte			
DATE	11/29/78	11/29/78			