

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

02 MAY -5 P.T.

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Charles Bechhoefer, Chairman  
Dr. Frederick P. Cowan  
Dr. Jerry Harbour

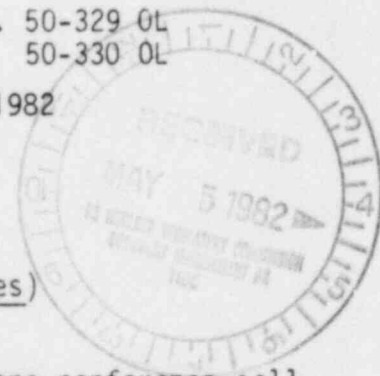
SERVED MAY 5 1982

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

Docket Nos. 50-329 OM  
50-330 OM

Docket Nos. 50-329 OL  
50-330 OL

April 28, 1982



MEMORANDUM AND ORDER  
(Cancelling Evidentiary Hearings and  
Conference of Counsel or Representatives)

On April 28, 1982, the NRC Staff initiated a telephone conference call to request cancellation of the hearings scheduled for May 11-14, 1982. Participating in the call were all members of the Board, Mr. William Paton and Mr. Darl Hood, Project Manager (for the Staff), Mr. Michael Miller (for the Applicant), and Ms. Barbara Stamiris (pro se). (Ms. Mary Sinclair and Mr. Wendell S. Marshall, other intervenors, could not be contacted.)

The major topic of the hearings on May 11-14 would have been responses to Board questions concerning the Applicant's QA program for remedial actions. The Staff requested cancellation of the hearings as a result of the preliminary SALP report which, we understand, was issued on April 26. (The Staff advises that copies are to be provided to us and the parties.) According to the Staff, this report was causing it to rethink some of the

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conclusions it previously had given to the Board (through testimony of Mr. Keppler and others) concerning the adequacy of Consumers' implementation of its QA program for remedial actions. The Staff indicated that it was planning senior-level meetings with Consumers' officials in the near future and that it would not be prepared by May 11-14 to express any definitive conclusion about the adequacy of Consumers' QA program for remedial actions. Ms. Stamiris supported the Staff in its request for cancellation of the hearings and additional time to formulate its position on the QA program.

The Applicant questioned whether the SALP report was based on sufficient new information to warrant a change in position by Staff witnesses. Nonetheless, it conceded that it would not be fruitful to hold a hearing when the Staff had not reached a definitive position. It suggested a conference call on May 5 or 6 to ascertain whether the Staff had reached a position on the QA program. The Staff stated that, in view of the fundamental nature of its reservations and its need to meet with senior Consumers' officials, it doubted whether it could reach a definitive position within that time frame.

The Board agreed with the Staff that it (Staff) should have an opportunity to come up with its position on the QA program before hearings on this subject are resumed. We therefore granted the Staff's request to cancel the May 11-14 hearings.

A conference of counsel or representatives in the OL proceeding had been scheduled for May 13, 1982. We cancelled this conference but replaced it with a telephone conference call, to be held May 14, 1982. All parties

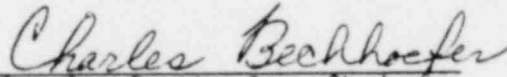
agreed to this change. In addition, we granted the Applicant's request for a telephone conference call on May 5, 1982, to discuss discovery schedules with respect to the Staff's SER, which is scheduled to be issued on May 6, 1982.

For the foregoing reasons, it is this 28th day of April, 1982

ORDERED

That the Staff's request for cancellation of the hearings scheduled for May 11-14, 1982 is hereby granted. The conference of counsel or representatives in the OL proceeding scheduled for May 13, 1982, is also cancelled. Telephone conference calls are scheduled for 10 a.m. (EDT) on May 5 and 14, 1982.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE