

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'82 AGS 24 P2:31

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

OFFICE OF GENERAL
DOCKETING & SERVICE
BRANCH

SERVED AUG 24 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

August 23, 1982

MEMORANDUM

(Telephone Conference Call of August 20, 1982)

On August 20, 1982, the NRC Staff initiated a telephone conference call to discuss certain scheduling matters. Participating were the Licensing Board (Messrs. Bechhoefer, Cowan and Harbour), Mr. William Paton for the NRC Staff, Messrs. Michael Miller and James Brunner for the Applicant, Mr. Lee Bishop for Ms. Mary Sinclair, Ms. Barbara Stamiris (pro se), and Mr. Wendell H. Marshall (pro se).

1. The Staff advised that it would be prepared to submit its QA testimony on October 29, 1982. Under the schedule previously established by the Board, the Applicant would submit responsive testimony two weeks thereafter, and hearings would commence two weeks later. (Because of hearings already scheduled for that week, as well as the Thanksgiving holiday, the hearings on QA matters would not start prior to November 30, 1982.)

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2. The Staff renewed its request that, pending the completion of a Region III investigation, there be no depositions taken of Mr. Albert T. Howard, the six unidentified individuals who had provided affidavits concerning various alleged construction problems, or members of the Government Accountability Project who provided those affidavits to the NRC Staff. The Staff estimated that the Region III investigation would be completed by mid-November. In response to a request by the Applicant, the Staff agreed to inquire (1) whether depositions could be taken after Region III had interviewed these individuals (but prior to issuance of the IE inspection report), and (2) whether discovery (other than by deposition) could commence prior to the completion of the Region III investigation. The Staff will advise the Board and parties of these matters by letter or telephone conference call.

3. In response to an inquiry by the Applicant, the Staff reiterated that it would attempt to complete its answers to Ms. Sinclair's interrogatories on contentions admitted for discovery purposes by September 3, 1982. Restated contentions would then have to be submitted by September 20, 1982. (These dates were inadvertently omitted from the Board's Prehearing Conference Order dated August 14, 1982. See Tr. 8144-51. The date for responses to interrogatories does not apply to discovery on contention 27, dealing with emergency planning, which was accepted by our February 23, 1979 Prehearing Conference Order and was not required to be rewritten.)

4. Ms. Stamiris inquired whether the Commission would supply free transcripts to intervenors. We advised that the Commission was barred by statute from doing so. See Section 502, Energy and Water Development Appropriation Act, 1982; 10 C.F.R. § 2.750(c), fn.1.

5. The Board noted that, in various documents on file with the Commission, the proposed fuel loading date for Unit 2 has been estimated by the Applicant to be July 1983 and by the Staff to be December 1983. In order for us to schedule hearings with suitable target dates in mind, we asked the Applicant and Staff to attempt to reconcile these differences and, if possible, to provide an agreed-upon proposed fuel loading date for the Board to use in scheduling various segments of the hearings.

6. Hearings were tentatively scheduled for November 16-20, 22-23, and November 30-December 3, 1982. Subjects to be covered could include carry-over QA issues or certain OL issues (hearings on soils remedial measures have previously been scheduled for October 5-8 and 19-22, 1982).

7. The Licensing Board's Prehearing Conference Order dated August 14, 1982 (LBP-82-63) is hereby further corrected in the following respects:

(a) On page 4, line 16, the last sentence should be revised to read:

"It opposed all except two of them."

(b) On page 28, line 2, the date should read: "February 23, 1979".

These corrections will be incorporated into the printed version of LBP-82-63.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

 Chairman
Charles Bechhoefer
ADMINISTRATIVE JUDGE

Bethesda, Maryland

August 23, 1982