



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

March 1, 1984

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MEMORANDUM FOR: Richard C. DeYoung, Director
 Office of Inspection and Enforcement

FROM: James Lieberman, Director and Chief Counsel
 Regional Operations and Enforcement Division
 Office of the Executive Legal Director

SUBJECT: 2.206 PETITION OF THE LONE TREE COUNCIL REGARDING THE
 MIDLAND PLANT

By letter to the Commissioners dated February 10, 1984, Billie Pirner Garde of the Government Accountability Project, on behalf of the Lone Tree Council and others, requested that action be taken with respect to the Midland plant. Specifically, Ms. Garde requested that the Commission: (1) require that all ongoing work at Midland, including the soils work be included under the Midland Order for Modification of Construction Permits; (2) remove Consumers Power from managerial responsibility of the QA/QC function, to be replaced by an independent third-party reporting simultaneously to the NRC and Consumers; and (3) increase staffing of the Midland section of the Office of Special Cases. The Director's decision you issued on October 6, 1983 (DD-83-16) denied relief similar to the action Ms. Garde now requests. The petitioners rely on new developments in support of their request.

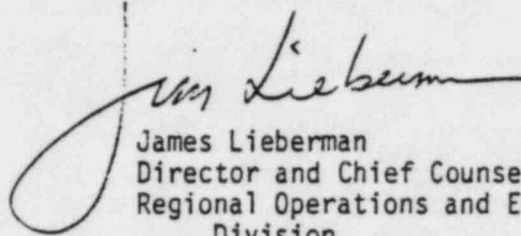
The Commission has referred this latest submittal to the staff for treatment as a 2.206 petition. As with the earlier petition, close coordination will be required between Region III, NRR, ELD and IE to develop an appropriate response. As you are aware, the earlier Director's decisions are currently pending before the Commission for its review. It is my understanding from OGC that these decisions will remain pending until the staff has an opportunity to respond to Ms. Garde's February 10th letter. A Commission meeting on Midland is also tentatively scheduled for April 2. I have attached for your information a memorandum from OGC to the Commissioners recommending this course of action. In any event, the pendency of the earlier decisions should not prevent the staff from initiating its review of this most recent petition. Accordingly, I have attached for your use a draft acknowledgment letter and Federal Register notice that should be issued as soon as possible.

CONTACT:
 Lillian Cuoco, OELD
 x27036

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Please inform my office of the technical staff contact who will be involved in preparing a response to this petition and please provide us with copies of all documents related to the petition. Also, please place our office on concurrence for all correspondence initiated by the staff that is related to this petition.



James Lieberman
Director and Chief Counsel
Regional Operations and Enforcement
Division

Enclosure:

1. Petition
2. OGC Memo
3. Draft acknowledgment letter
4. Draft Federal Register-Notice

cc: (w/enclosures)

- H. Denton, NRR
E. Christenbury, OELD
J. Keppler, Reg. III

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J. Axelrad, IE
2.206 chron
EDO #14128
Subject (DP-84-3)
Rdg.
NRC Central
Lieberman chron
Cuoco chron
SB/DH/KC info

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Docket Nos. 50-329
50-330
(10 CFR 2.206)

Ms. Billie Pirner Garde
Government Accountability Project
Institute for Policy Studies
1901 Que Street, N.W.
Washington, D.C. 20009

Dear Ms. Garde:

This letter is sent to acknowledge receipt of your letter to the Commission dated February 10, 1984 on behalf of the Lone Tree Council and others, in which you request that action be taken with respect to the Midland Plant. Your present request seeks relief similar to that requested in your petition of June 13, 1983. Your letter has been referred to the staff for treatment as a new request for action pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by section 2.206, action will be taken on your request within a reasonable time. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,

Richard C. DeYoung, Director
Office of Inspection and Enforcement

cc:
Michael Miller, Esq.
James W. Cook, Consumers Power Co.

bcc:

H. Denton, NRR
E. Christenbury, OELD
W. Paton, OELD
J. Lieberman, OELD
L. Cuoco, OELD
S. Lewis, Region III
J. Keppler, Region III
R. Warnick, Region III
D. Hood, NRR
E. Adensan, NRR
R. Heishman, IE
J. Axelrad, IE

[7590-01]

NUCLEAR REGULATORY COMMISSION
[Docket Nos. 50-329 and 50-330]
CONSUMERS POWER COMPANY
(Midland Plant, Units 1 and 2)

Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by letter dated February 10, 1984, Billie Pirner Garde of the Government Accountability Project, on behalf of the Lone Tree Council and others, has requested that the Commission take action with respect to the Midland Plant. The letter, which is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, has been referred to the Director of the Office of Inspection and Enforcement for consideration. As provided in 10 CFR 2.206, appropriate action will be taken on the request within a reasonable time.

Copies of the request are available for inspection in the Commission's public document room, located at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room for the Midland facility, located at the Grace A. Dow Memorial Library, 1910 W. St. Andrews Road, Midland, Michigan 48640.

Dated at Bethesda, Maryland this _____ day of March, 1984.

FOR THE NUCLEAR REGULATORY COMMISSION

Richard C. DeYoung, Director
Office of Inspection and Enforcement