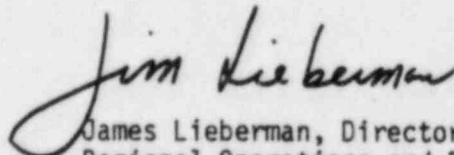


GAP's letter has been referred to the staff for consideration as a request for action under 10 C.F.R. 2.206. Responsibility for taking action on the petition appears to lie most appropriately with IE because the petition asks for relief that has usually been imposed by IE to cure quality assurance and construction deficiencies. However, resolution of this petition will require close coordination among IE, NRR, and Region III. Careful consideration should be given to the relationship to the subject matter of the 2.206 request and other pending matters concerning Midland, particularly, the current proceedings on the 1979 Order Modifying Construction Permits.

My staff will work with your staffs in developing an appropriate response to GAP's request. The first step is to acknowledge receipt of the petition and to issue the standard Federal Register notice. These documents should be issued as soon as possible. I have enclosed drafts for the signature of the Director of IE. Please note that the acknowledgement letter may require additional details to explain the basis for not taking immediate action while the request is under consideration.

You should also consider whether you need additional information from the licensee to aid in responding to GAP's request. If you find that a response from the licensee would be helpful, we will assist you in drafting an appropriate demand for information pursuant to 10 C.F.R. 50.54(f) and section 182 of the Atomic Energy Act.

Please be aware that all correspondence concerning this matter should be referred to me for concurrence, and that I should receive copies of all related correspondence. I would also appreciate being informed of the names of your staff contacts on this matter.



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

Enclosures:

- (1) Draft letter and notice
- (2) GAP letter (6/13/83)

cc w/encl.: J. Keppler, RIII ✓
R. Warnick, RIII
E. Christenbury, OELD

Docket Nos. 50-329
50-330

(10 C.F.R. 2.206)

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

Dear Ms. Garde:

This letter is sent to acknowledge receipt of your letter to the Commissioners dated June 13, 1983, in which you requested that the Commission take a number of actions with respect to the Midland Plant for which the Consumers Power Company holds NRC construction permits. Your request for relief is based upon deficiencies in construction and quality assurance and control over the Midland project.

Your letter has been referred to the staff for consideration as a request for action under 10 C.F.R. 2.206 and, accordingly, appropriate action will be taken on your request within a reasonable time. Although your letter requests that the Commission take "immediate action" to implement your request relief, I decline to do so pending an opportunity for the staff to evaluate your request more closely and to consider the appropriateness of your requested relief. The staff is following closely current activities at the Midland site through its inspection efforts. Continuation of currently authorized activities at Midland should not affect the staff's ability to grant the relief you request, if we determine that your recommended course of action is appropriate upon further evaluation.

[Add additional information as appropriate, which explains why immediate relief is not necessary.]

I enclosed for your information a copy of a notice that is being filed with the Office of the Federal Register for publication.

Sincerely,

Richard C. DeYoung, Director
Office of Inspection and Enforcement

Enclosure: as stated

cc: Consumers Power Company
Michael Miller, Esq.

[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 C.F.R. 2.206

Notice is hereby given that by letter dated June 13, 1983, the Government Accountability Project (GAP) has requested that the Commission take action, inter alia, to modify the construction permits for Consumers Power Company's Midland plant by imposing mandatory "hold points" on remaining construction work and by requiring a management audit and other reviews of construction activities. This request for relief is based on alleged defects in construction and quality assurance activities. GAP's letter is being treated as a request for action under 10 C.F.R. 2.206 and has been referred to the Director of the Office of Inspection and Enforcement for consideration. As provided in 10 C.F.R. 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 at 1717 H Street, N.W., Washington, D.C., 20555 and in the local public document room for the Midland plant, located at the Grace Dow Memorial Library, 1710 W. St. Andrews Road, Midland, MI, 48640.

Dated at Bethesda, Maryland, this day of June, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

Richard C. DeYoung, Director
Office of Inspection and Enforcement