

U.S. NUCLEAR REGULATORY COMMISSION

In the Matter of
C.P.Co. Midland Plant
Units 1 & 2

Docket Nos. 1-320
5-330
1-340

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

5/29/81

JUN 31 1981

INTERVENOR NOTICE OF VIOLATION OF NRC REGULATION 2.780



On May 27, 1981, a conference call took place among parties of this proceeding concerning various stipulations and their effects on the hearing schedule. As Mr. Miller initiated the call, as Consumers attorney, he began by relating certain information to Judge Dechhoefer.

He began by discussing the CA stipulation which the staff and Consumers have been working on. He said that Mr. Keppler, as a result of his recent inspection at the site, now "has reasonable assurance" that the remediation can now go forward. He went on to indicate that the CA stipulation would be finalized (I am not sure of the exact wording he used here) in the next day or so and presented orally to the Board, and other parties "for their information".

At the time of this call, I believed Mr. Miller had received such a statement from Mr. Keppler. Also as a pro se intervenor, I did not realize the implications of presenting such a statement "regarding substantive matter at issue in a proceeding on the record" to the Judge, until I found this rule on ex parte communications.

Again, I am not positive of the exact measures that I should now follow on this matter, but felt I should at least set forth my

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initial concerns in some fashion promptly.

At the end of the conference call, Judge Bechoefer indicated that although he had taken notes of the conversation, he thought he would not write up an official memorandum or order (I am not certain these were his exact words). I did not object, nor did anyone else at that time. I would now ask that such a record of the conversation be written up.

Respectfully Submitted,

Barbara Hamlin's

Copies sent: Wm. Paton, NRC
M. Miller, C.P. Co.
Judge Bechoefer, ASLB
Board Members, ASLB
See: NRC.
Atty. Gen. Frank Kelley