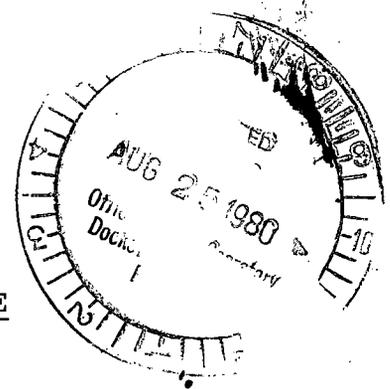


8-19-80

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ADMINISTRATIVE LAW JUDGE

In the Matter of:)
)
CONSUMERS POWER COMPANY) DOCKET NO. 50-255
) License No. DPR-20
(Palisades Nuclear Power Facility))

CONSUMERS POWER COMPANY'S
SECOND ROUND OF INTERROGATORIES TO BE
ANSWERED BY THE NUCLEAR REGULATORY COMMISSION

Consumers Power Company ("CPCo") hereby requests the Nuclear Regulatory Commission ("NRC" or "Commission"), or the appropriate NRC personnel, to answer separately and fully in writing, under oath or affirmation, each of the following Interrogatories within 30 days of service.

INSTRUCTIONS AND DEFINITIONS

Unless otherwise indicated, the instructions and definitions applicable for these interrogatories incorporate by reference the instructions and definitions contained in Consumers Power Company's First Round of Interrogatories and Request for the Production of Documents by the Nuclear Regulatory Commission, dated February 21, 1980.

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INTERROGATORIES

Interrogatories 1 through 6 refer to the categorization of Item 1 of the Notice of Violation, which is the subject matter of this proceeding, as a continuing violation.

1. List each factor and/or criterion which the Office of Inspection and Enforcement utilizes in evaluating whether to treat a condition caused by a single act or series of acts but which persists thereafter as a continuing violation under Section 234 of the Atomic Energy Act.

2. With respect to each factor or criterion listed in response to Interrogatory 1 above, state the manner in which the factor or criterion is relevant to the question of whether Item 1 is a continuing violation. This statement should include an explanation of whether the existence of the factor or criterion in question militates in favor of a determination that the noncompliance is continuing or noncontinuing, and an explanation of whether the particular factor or criterion is of major, minor or average significance.

3. Identify each factor or criterion which the NRC will rely upon in support of its position that the Administrative Law Judge categorize Item 1 of noncompliance as a continuing item of noncompliance.

4. Identify each factor or criterion known to the NRC which supports Consumers' position that the Administrative Law Judge categorize Item 1 as a noncontinuing violation.

5. Identify each witness, and describe the subject matter of his or her testimony, which the NRC will present with respect to the issue of whether Item 1 of noncompliance constitutes a continuing item of noncompliance.

6. If any of the witnesses identified in response to Interrogatory 5 will be presented as expert witnesses, list the following with respect to each such witness:

- (a) the witness' field of expertise;
- (b) the facts which the NRC believes qualify the witness as an expert in that field;
- (c) whether the witness has ever been granted expert witness status in any other proceeding, whether administrative or judicial.

7. If any of the witnesses identified in response to Interrogatory 5 will be presented as occurrence witnesses, describe the manner in which the witness became aware of the facts to which he or she will testify.

8. Identify and describe all of the evidence which the NRC will adduce with respect to the issue of whether Item 1 of noncompliance constitutes a continuing item of noncompliance.

Interrogatories 9 through 14 refer to the categorization of Item 1 of noncompliance as a violation.

9. Identify each factor or criterion which the NRC will rely upon in support of its position that the

Administrative Law Judge categorize Item 1 of noncompliance as a violation.

10. Identify each witness, and describe the subject matter of his or her testimony, which the NRC will present with respect to the issue of whether Item 1 of noncompliance constitutes a violation.

11. If any of the witnesses identified in response to Interrogatory 10 will be presented as expert witnesses, list the following with respect to each such witness:

- (a) the witness' field of expertise;
- (b) the facts which the NRC believes qualifies the witness as an expert in that field;
- (c) whether the witness has ever been granted expert witness status in any other proceeding, whether administrative or judicial.

12. If any of the witnesses identified in response to Interrogatory 10 will be presented as occurrence witnesses, describe the manner in which the witness became aware of the facts to which he or she will testify.

13. Identify and describe all of the evidence which the NRC will adduce with respect to the issue of whether Item 1 of noncompliance constitutes a violation.

14. Identify and describe all of the evidence known to the NRC which supports Consumers' position that the

Administrative Law Judge not categorize Item 1 as a violation.

Interrogatories 15 and 16 refer to the memorandum dated October 26, 1979, from James G. Keppler, Director, Region III to George C. Gower, Acting Executive Officer for Operations Support, IE, to which Mr. Keppler attached a draft Notice of Violation regarding the alleged noncompliances.

15. Did the Director of IE or any other person at IE Headquarters inform Mr. Keppler of the reasons Mr. Keppler's recommended fine was not accepted?

16. If the answer to Interrogatory 15 is "yes", state whether the communication was oral or in writing, state the date of the communication, and identify the persons who participated in the communication.

Interrogatories 17 through 22 refer to the mitigation of civil penalties in an IE enforcement investigation and prosecution.

17. Identify each factor or criterion which the NRC will rely upon in support of its position that the Administrative Law Judge not mitigate the penalty proposed by IE.

18. Identify each witness, and describe the subject matter of his or her testimony, which the NRC will present with respect to the issue of whether the proposed penalty should be mitigated.

19. If any of the witnesses identified in response to Interrogatory 18 will be presented as expert witnesses,

list the following with respect to each such witness:

- (a) the witness' field of expertise;
- (b) the facts which the NRC believes qualify the witness as an expert in that field;
- (c) whether the witness has ever been granted expert witness status in any other proceeding, whether administrative or judicial.

20. If any of the witnesses identified in response to Interrogatory 18 will be presented as occurrence witnesses, describe the manner in which the witness became aware of the facts to which he or she will testify.

21. Identify and describe all of the evidence which the NRC will adduce with respect to the issue of whether the proposed penalty should or should not be mitigated.

22. Identify and describe all of the evidence known to the NRC which supports Consumers' position that the Administrative Law Judge mitigate the civil penalty proposed by the Director of IE.

23. Has the NRC conducted any investigations regarding the noncompliances which are the subject of this enforcement proceeding. These would include interviews of Consumers' personnel or of NRC personnel, the review of Consumers' procedures as well as any other attempt at gathering factual information and data concerning the existence of the noncompliances.

24. If the answer to Interrogatory 23 above is "yes", describe all such investigations, the results which were obtained therefrom, and the inferences or conclusions which the NRC draws from the results of the investigations.

25. Was any effort made by the NRC to independently evaluate whether the preliminary conclusions contained in the licensee event reports and supporting documentation submitted by Consumers pertaining to the noncompliances were factually justified.

26. If the answer to Interrogatory 25 is "yes", describe all such efforts, the results obtained therefrom, and the inferences or conclusions which the NRC draws from the results of these efforts.

27. Identify each witness, and describe the subject matter of his or her testimony, which the NRC intends to present at the hearing on these matters. If witnesses have already been identified in response to earlier Interrogatories, you may refer, in answering this Interrogatory, to those responses.

28. If any of the witnesses identified in response to Interrogatory 27 will be presented as expert witnesses, list the following with respect to each such witness:

- (a) the witness' field of expertise;
- (b) the facts which the NRC believes qualify the witness as an expert in that field;

(c) whether the witness has ever been granted expert witness status in any other proceeding, whether administrative or judicial.

29. If any of the witnesses identified in response to Interrogatory 27 will be presented as occurrence witnesses, describe the manner in which the witness became aware of the facts to which he or she will testify.

30. Identify and describe all of the evidence, documentary or other, which the NRC intends to adduce at the hearing. If such evidence has already been identified in response to the above Interrogatories, you may refer, in answering this Interrogatory, to those responses.

DATED: August 19, 1980.



Alan P. Bielawski

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Consumers Power Company

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ADMINISTRATIVE LAW JUDGE

In the Matter of:)
) DOCKET NO. 50-255
CONSUMERS POWER COMPANY) License No. DPR-20
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CERTIFICATE OF SERVICE

I, Alan P. Bielawski, one of the attorneys for Consumers Power Company, certify that copies of the "Consumers Power Company's Second Round Of Interrogatories To Be Answered By The Nuclear Regulatory Commission" have been served in the above-captioned matter on the following by depositing same in United States mail, postage prepaid, this 20th day of August, 1980:

Honorable Ivan W. Smith
Administrative Law Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James P. Murray, Esq.
Director and Chief Counsel
Rulemaking and Enforcement Division
Office of Executive Legal Director
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Washington, D.C. 20555

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Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
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Atomic Safety and Licesning Appeal
Board Panel
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Washington, D.C. 20555

Judd L. Bacon, Esq.
Consumers Power Company
212 West Michigan Avenue
Jackson, Michigan 49201



A handwritten signature in cursive script, reading "J L Bacon", is written over a horizontal line.

DATED: August 20, 1980.