UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Charles Bechhoefer, Chairman
Dr. Frederick P. Cowan
Gustave A. Linenberger

In the Matter of	)	Docket Nos. 50-329 OM
	)	50-330 OM
CONSUMERS POWER COMPANY	)	
	)	Docket Nos. 50-329 OL
(Midland Plant, Units 1 and 2)	)	50-330 OL

PREHEARING CONFERENCE ORDER
RULING ON CONTENTIONS AND ON
CONSOLIDATION OF PROCEEDINGS
(October 24, 1980)

On September 10, 1980, the Licensing Board held a prehearing conference dealing with both the proceeding involving the Order Modifying Construction Permits No. CPPR-81 and No. CPPR-82, dated December 6, 1979 (OM Proceeding) and those aspects of the ongoing operating license proceeding (OL Proceeding) involving issues related to those under consideration in the OM Proceeding.[1/] In our earlier Memorandum and Order Ruling Upon Standing to

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[1/] The conference was announced by Order and Notice dated July 24, 1980, published at 45 Fed. Reg. 51010 (July 31, 1980). On September 19, 1980, subsequent to the prehearing conference, the Licensing Boards for both proceedings (which had identical members) were reconstituted to include a new Chairman. 45 Fed. Reg. 63587 (OM Proceeding), 63591 (OL Proceeding) (September 25, 1980).

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Intervene, dated July 24, 1980, we ruled that nine petitioners[2/] for intervention in the OM Proceeding had satisfied the "interest" and "aspects" requirement of 10 CFR §2.714(a)(2). We deferred ruling on a letter-petition dated June 23, 1980 from Wendell H. Marshall, the representative of the Mapleton Intervenors in the OL Proceeding; but at the prehearing conference, in the absence of any objection, we indicated that he too had established standing to participate in the OM Proceeding (Tr. 363). In the July 24 Order, we also deferred ruling, pending submission by petitioners of their contentions, on the Applicant's[3/] suggestion that we consolidate certain petitioners.

Supplementary statements of contentions were filed by Barbara Stamiris, Sharon K. Warren, and Wendell H. Marshall.[4/] At the prehearing conference, we considered the various

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[2/] Patrick A. Race, Barbara Stamiris, Sandra D. Reist, Sharon K. Warren, Terry R. Miller, Michael A. Race, George C. Wilson, Sr., William A. Thibadeau, and Carol Gilbert.

[3/] Consumers Power Co. is an "applicant" in the OL Proceeding and a "permittee" or "licensee" in the OM Proceeding. Because aspects of the soil settlement issues are involved in the OL Proceeding, and may be dealt with (along with other issues) in an initial decision in that proceeding, we will refer to Consumers Power Co. in both proceedings as "Applicant" to avoid confusion.

[4/] The statements of Ms. Stamiris and Ms. Warren, dated September 9, 1980, superseded various statements filed earlier by those petitioners. The Applicant and NRC Staff agreed that our consideration of those petitioners' contentions should focus on the September 9 versions. Tr. 240-41. Mr. Marshall's proposed contention appears in his letter dated August 27, 1980. In addition, Ms. Stamiris was given permission to file an amended version of her Contention 4.C (Tr. 326). She did so on September 23, 1980. (On September 24, she filed a correction to one of her September 9, 1980 contentions.)

contentions, as well as the motion by the Applicant to consolidate the OM Proceeding and the relevant portions of the OL Proceeding. Inasmuch as Ms. Stamiris and Ms. Warren each had submitted at least one contention as to which neither the Applicant nor Staff objected, we ruled that the contention requirement of 10 CFR §2.714(b) had been satisfied and we admitted Ms. Stamiris and Ms. Warren as intervenors in the OM Proceeding (Tr. 398). We authorized discovery to begin on the contentions to which there was no objection. We deferred ruling on the contention of Mr. Marshall, as well as the contentions of Ms. Stamiris and Ms. Warren to which objections were advanced. We also deferred ruling on the Applicant's consolidation motions. We dismissed the petitions of the other petitioners, who did not file contentions or participate in the prehearing conference. In this Order, we treat those matters on which we have not yet ruled.

A. Turning first to the contentions of Barbara Stamiris, we wish to note at the outset that several of them specifically raise the question of the Applicant's "managerial attitude" in implementing its QA/QC program with regard to the resolution of soil settlement issues. The Applicant has claimed, in effect, that these issues are essentially beyond the scope of the OM Proceeding, which is limited to issues spelled out in the Staff's December 6, 1979 Modification Order. On the other hand, Ms. Stamiris and the Staff claim that the "managerial

attitude" issues are fairly encompassed within the issues spelled out in the Staff's December 6 Order--namely, the issue of "whether this [Modification] Order should be sustained."

We agree with the latter position. As the Staff has observed, the Appeal Board has ruled--with respect to this very facility--that the likelihood of successful implementation of a QA/QC program is an integral factor in the assessment of the acceptability of such a program, and that "managerial attitude" is an essential ingredient in the implementation of a QA/QC program. Consumers Power Co. (Midland Plant, Units 1 and 2), ALAB-106, 6 AEC 182, 184 (1973). As spelled out below, we are admitting the various contentions which raise the "managerial attitude" issue. In doing so, however, we note that the contentions are to be understood as limited to the resolution of the soils settlement issues, to the implementation of the QA/QC program with respect to the resolution of such issues, and to factors which could be said to bear upon the Applicant's managerial attitude in resolving such issues. (In some instances, we have modified the contentions slightly, to reflect this scope and for clarity. A statement of all of the admitted contentions appears in the Appendix to this Order.)

1. Although the Applicant initially opposed all of Ms. Stamiris' Contention 1 (on the premise that the "managerial attitude" question was beyond the scope of the proceeding), it

later apparently conceded that subparagraphs 1.a (as amended at the conference) and 1.b were acceptable (Tr. 275-277). In any event, as limited above, they are within the scope of the Modification Order. We therefore admitted those contentions (Tr. 398, 401-02).

2. The Applicant objects to Contentions 1.c and 1.d on the ground that they seek to condemn it for having taken actions which it had a legal right to take--i.e., exercising its administrative rights to challenge requests for information from the Staff (Tr. 288). The Staff interprets these contentions only as complaints about the Applicant's failure to provide adequate information to the Staff (ibid).

We agree with the Staff that the asserted failure to provide adequate information is a legitimate issue in the OM Proceeding. That the Applicant has raised certain aspects of the same issue through the Staff's internal review procedures does not deprive us of our authority to consider the issue--although we may choose to await the decision of the Staff official prior to rendering a decision on the same question here. 10 CFR §2.717(b). But we also concur in the Applicant's position that the exercise of legal rights in and of itself should not be a basis for condemnation--at least absent further assertions (not here made) that the exercise of those rights

was motivated by improper considerations. Cf. California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 512-515 (1972). For that reason, we regard Contention 1.c as inappropriate (absent an indication of the improper motivation referenced above). Contention 1.d is merely an assertion of a failure to provide adequate information to the Staff; the Applicant's motivation in failing to provide that information may well be relevant to our consideration of whether a proposed remedy for the soils settlement situation will appropriately be implemented. We therefore accept Contention 1.d but reject Contention 1.c. (Although Contention 1.c is not acceptable as a contention on its own, the Applicant's motivation in exercising the appeal rights covered by Contention 1.c, if that motivation can be established, may be relevant in determining whether the Applicant has provided adequate information for the Staff and Board to determine whether the soils settlement issues have been adequately addressed. That subject, therefore, may be explored through discovery.)

3. The Applicant objected to Ms. Stamiris' Contention 2 (concerning financial and time schedule pressures) as outside the scope of the Modification Order and as lacking specificity. The Staff would accept this contention insofar as it raises the question whether financial and time schedule pressures have affected the Applicant's consideration of the soil settlement

issues and hence may have compromised health and safety standards (Tr. 292). Based on the same criteria that we adopted for judging the acceptability of "managerial attitude" as a question for litigation (Contention 1, supra), we also regard Contention 2 as acceptable (limited in scope as urged by the Staff).

4. The Staff offered no objection to Ms. Stamiris' Contention 3. The Applicant initially objected to litigating matters relating to "managerial attitude," as encompassed within the first paragraph of the contention, but offered no objection to litigating the specific matters in subparagraphs b and c. At the prehearing conference, the Applicant argued that, if "managerial attitude" were left in, the contention should be limited to the soil settlement problems. Ms. Stamiris indicated that such was the intended scope of the contention (Tr. 299). Given our view that "managerial attitude" is a permissible subject of inquiry insofar as it is related to the soil settlement problems, we accept the contention as limited to those problems. (We are including as subparagraph b.XV the correction provided by Ms. Stamiris' letter of September 24, 1980.) This contention as accepted is limited to the particular items listed, as examples of QA deficiencies; for other examples to be the subject of evidentiary presentations by Ms. Stamiris, she must advise the

parties and us in advance and seek our approval (the grant or denial of which will be based in part on a balancing of the factors in 10 CFR §2.714(a)).

5. Neither the Applicant nor the Staff objected to Contentions 4.A and 4.D, and we accepted them as contentions at the conference (Tr. 398, 401-02).

The Applicant opposed Contention 4.B because, it claimed, the cooling pond dike mentioned therein is not a safety structure and hence is outside the scope of the proceeding. Ms. Stamiris claimed that the cooling pond is safety related and that the dike relates to cooling pond safety. The Staff agreed (Tr. 306-08). The Staff also opined that environmental aspects of the dike should be examined. We accept that view inasmuch as, in our opinion, the dike cannot as a matter of law be classified as a non-safety-related structure, and the environmental impacts of the dike may well bear upon the appropriateness of the remedial measures to prevent settlement proposed by the Applicant for Staff review.

We reject the Applicant's view that Contention 4.C (submitted on September 23, 1980) is too vague. As the Staff points out, any ambiguities may be clarified through discovery. We accept that contention as written.

6. According to Ms. Stamiris, the intent of her Contention 5 is to permit her to assert that the Staff needs the information it previously sought from the Applicant to carry out its health and safety responsibilities, even if the Staff should later change its mind about its need for such information. The Applicant characterizes this matter as a dispute solely between it and the Staff; it also finds the contention duplicative inasmuch as the substantive matters about which information was requested are the subject matter of other contentions.

We agree with the Staff that the adequacy of information provided by the Applicant to the Staff is encompassed within the Modification Order and is a matter about which an intervenor may seek adjudication. We accept Contention 5.

B. 1. Turning to the contentions of Sharon K. Warren, no objections were offered to Contention 1, the first two sentences of Contention 2, and the first sentence of Contention 3. We accepted those issues as contentions at the prehearing conference (Tr. 398, 401-02).

2. The Applicant would reject the last sentence of Ms. Warren's Contention 2 on the basis that it relates to natural soils (silt) rather than fill soils. It claims that the Modification Order relates only to fill soils. It also

disputes the asserted factual connection between the fill soils and the natural soils. The Staff, however, disagrees with both premises. It claims that the adequacy of the remedy for the soils settlement problem may depend on the nature of the underlying natural soil and, hence, that the last sentence of Contention 2 is an admissible contention. We agree. Moreover, as we remarked at the conference (Tr. 346, 353), the factual matters raised by the Applicant are evidentiary and cannot be ruled on by us at this stage of the proceeding. Because the first two sentences of Contention 2 differ in their coverage from the last sentence, we are dividing the contention into two parts (2.A and 2.B) (and making some revisions for clarity).

3. The last sentence of Ms. Warren's Contention 3 relates, in part, to effects of the remedial actions on the circulating water lines, fuel oil lines and electrical conduit. The Applicant would reject this contention because, it claims, those lines are not safety-related. The Staff, however, claims that the failure of at least the circulating water lines could have safety implications. Given this factual dispute, we accept the last sentence of Contention 3 as part of that contention.

C. As we have earlier noted, Mr. Wendell H. Marshall is the representative of the Mapleton Intervenors in the OL Pro-

ceeding, and he is seeking to participate in the OM Proceeding. At the prehearing conference, he indicated (in response to our inquiry) that his only proposed contention for the OM Proceeding was the first paragraph of his letter of August 27, 1980 to the Board (Tr. 364).[5/] (The Mapleton Intervenors' Contention 2 in the OL Proceeding (dated October 31, 1978) raises the issue of the settlement of the diesel generator building, and we accepted this contention in that proceeding by our Special Prehearing Conference Order of February 26, 1979.)

The first paragraph of the August 27 letter asserts that a Class 9 accident would result in the introduction of radioactive materials into the river and thence into the bay which forms the source of the drinking water supply for the Midland-Saginaw area population. The contention does not mention the soils settlement question, but at the prehearing conference Mr. Marshall indicated that it involved the dike along the Tittabawasee River (Tr. 364). (See our discussion of Ms. Stamiris' Contention 4.B.) Nonetheless, Mr. Marshall's contention lacks any showing of how the soils settlement matter would impact upon the Midland-Saginaw drinking water supply

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[5/] This letter was not submitted on a timely basis; contentions should have been filed by August 14, 1980.

(even taking into account Mr. Marshall's attempted explanation) and thus lacks sufficient specificity to be admitted as a contention.[6/]

Lacking any admissible contention, Mr. Marshall must be denied intervention in the OM Proceeding. 10 CFR §2.714(b). Nevertheless, he remains a party in the OL Proceeding, where he has raised an issue bearing upon the soils settlement question. In Section E of this Order, we are consolidating the OM Proceeding with the soils settlement aspects of the OL Proceeding (which essentially will involve whether any "fixes" that may be ordered in the OM Proceeding have been successfully implemented). Parties in the OL Proceeding (who have the right to conduct cross-examination on all issues) will be permitted to participate in the OM Proceeding. Thus, denial of intervention to Mr. Marshall in the OM Proceeding would not appear to prejudice his ability to participate on any issues in that proceeding in which he may have an interest. (Should he wish to sponsor a witness in the OM Proceeding, on a matter not encompassed by his OL contention, he can request our permission to do so or, alternatively, make arrangements with another party (presumably Ms. Stamiris) to present that witness.)

[6/] Even if Mr. Marshall's contention were found to be adequately specific, we would reject it on the basis of the timeliness factors of 10 CFR §2.714(a). In that regard, we note that Mr. Marshall has provided no adequate excuse for the delay in its submission and that his contention appears to raise no issues beyond Ms. Stamiris' Contention 4.B, which we have accepted.

D. In our July 24, 1980 Memorandum and Order Ruling Upon Standing to Intervene, we deferred ruling upon the Applicant's motion that petitioners in the OM Proceeding be consolidated, pending our receipt of contentions. Only two intervenors have been admitted to the OM Proceeding, and their contentions appear not to be sufficiently similar to warrant the consolidation of the two intervenors. The Applicant's motion will therefore be denied.

E. On May 27, 1980, Consumers Power Co. filed a motion to consolidate the OM Proceeding with those issues relating to soil conditions and plant fill materials raised in the OL Proceeding. By Memorandum and Order dated June 27, 1980, we deferred the filing of responses until intervention had been ruled upon. We heard oral argument on the question at the prehearing conference (Tr. 370-392).

Certain of the intervenors believed that they might be prejudiced in the presentation of their cases if consolidation were ordered. When assured that such was not the case, they withdrew any objection to consolidation (Tr. 390-392). Moreover, we find that consolidation would not be likely to affect the expeditious resolution of the soils settlement issues which are outstanding; if anything, it would likely avoid repetitive litigation of factual questions. The proceedings accordingly will be consolidated.

As part of this consolidation, all OL parties and participants will be accorded the right to participate in the OM Proceeding. The two intervenors in the OM Proceeding will be recognized as parties in the OL Proceeding to participate with respect to all matters relative to the soil settlement questions which are litigated in the OL proceeding. (As the Applicant has noted (Tr. 373-74), all matters with regard to the technical resolution of the soil settlement question would be relevant to the OM Proceeding, and heard in that proceeding, and only matters relating to "implementation of the fix" would be reserved for the OL Proceeding. Further, as the Staff pointed out (Tr. 375-76), not all of the ultimate findings which would have to flow from the OL Proceeding (even insofar as soils settlement questions are involved) could be made in the OM Proceeding.)

F. The commencement of discovery on certain contentions was authorized at the prehearing conference (Tr. 401). Discovery is now authorized on all contentions. It shall terminate on December 26, 1980 (i.e., all responses to discovery shall be filed by that date). The Board presently intends to hold a prehearing conference pursuant to 10 CFR §2.752 during the week of January 5-9, 1981. The exact date, time and location will be announced in a later order.

In light of the foregoing:

1. Confirming our earlier ruling (Tr. 398), the petitions for leave to intervene in the OM Proceeding of Barbara Stamiris and Sharon K. Warren are granted. The contentions set forth in the Appendix to this Order are accepted.

2. The petition for leave to intervene in the OM Proceeding of Wendell H. Marshall is denied. However, as a party to the OL Proceeding, which is consolidated with the OM Proceeding as indicated in Section E of this Order, Mr. Marshall may participate in the consolidated proceeding.

3. The petitions for leave to intervene in the OM Proceeding of Patrick A. Race, Sandra D. Reist, Terry R. Miller, Michael A. Race, George C. Wilson, Sr., William A. Thibodeau and Carol Gilbert are denied.

4. The Applicant's motion for consolidation of the OM and OL Proceedings (to be extent indicated in Section E of this Order) is granted.

5. The Applicant's motion for consolidation of the intervenors in the OM Proceeding is denied.

6. This Order is subject to appeal to the Atomic Safety and Licensing Appeal Board, as provided by 10 CFR §2.714a. See also 10 CFR §2.751a(d).

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Charles Bechhoefer

Charles Bechhoefer, Chairman

Dated at Bethesda, Maryland
this 24th day of October 1980.

APPENDIX

I. Contentions of Barbara Stamiris

1. Consumers Power Company statements and responses to NRC regarding soil settlement issues reflect a less than complete and candid dedication to providing information relevant to health and safety standards with respect to resolving the soil settlement problems, as seen in:

   a) the material false statement in the FSAR (Order of Modification, Appendix B);

   b) the failure to provide information resolving geologic classification of the site which is pertinent to the seismic design input on soil settlement issues (Responses to FSAR Questions 361.4, 361.5, 361.7 and 362.9);

   d) the failure to provide adequate acceptance criteria for remedial actions in response to 10 CFR §50.54(f) requests (as set forth in part II of the Order of Modification);

   and this managerial attitude necessitates stricter than usual regulatory supervision (ALAB-106) to assure appropriate implementation of the remedial steps required by the Order Modifying Construction Permits, dated December 6, 1979.

2. Consumers Power Company's financial and time schedule pressures have directly and adversely affected resolution of soil settlement issues, which constitutes a compromise of applicable health and safety regulations as demonstrated by:

   a) the admission (in response to §50.54(f) question #1 requesting identification of deficiencies which contributed to soil settlement problems) that the FSAR was submitted early due to forecasted OL intervention, before some of the material required to be included was available;

   b) the choice of remedial actions being based in part on expediency, as noted in Consumers Power Company consultant R. B. Peck's statement of 8-10-79;

   c) the practice of substituting materials for those originally specified for "commercial reasons" (NCR QF203) or expediency, as in the use of concrete in electrical duct banks (p. 23 Keppler Report)*;

   d) continued work on the diesel generator building while unresolved safety issues existed, which precluded thorough consideration of Option 2 - Removal and Replacement Plan; and

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*March 22, 1979 Keppler Investigation Report conducted by Region III, Dec. 78-Jan. 79.

e) the failure to freely comply with NRC testing requests to further evaluate soil settlements remediation, inasmuch as such programs are not allowed time for in the new completion schedule presented July 29, 1980.

3. Consumers Power Company has not implemented its Quality Assurance Program regarding soil settlement issues according to 10 CFR Part 50, Appendix B regulations, and this represents a repeated pattern of quality assurance deficiency reflecting a managerial attitude inconsistent with implementation of Quality Assurance Regulations with respect to soil settlement problems, since reasonable assurance was given in past cases (ALAB-100, ALAB-106 and LBP-74-71) that proper quality assurance would ensue and it has not.

The Quality Assurance deficiencies regarding soil settlement include:

a) 10 CFR Part 50, Appendix B, Criteria III, V, X and XVI as set forth in the Order of Modification;

b) 10 CFR Part 50, Appendix B, additional criteria denoted by roman numerals below:

I. The Applicant has failed to assume responsibility for execution of the QA program through its

failure to verify and review FSAR statements (pp. 6-8 and p. 21, Keppler Report) and through its reliance on final test results not in accordance with specified requirements (p. 16, Keppler Report);

II. The QA program was not carried out according to written policies, procedures and instructions, in that oral directions were relied upon and repeated deviations from policies occured regarding compaction procedures (p. 9-14, Keppler Report);

VII. Control of purchased material has not been maintained, in that examination and testing of backfill materials did not occur in accordance with regulations (NCR QF29, NCR QF147);

IX. Control of non-destructive testing was not accomplished by qualified personnel using qualified procedures regarding

a) moisture control (Keppler Report p. 14-16; QA Request SD40, NCR QFS52, 172, 174 and 199);

b) compaction procedures (Keppler Report, p. 9; NCR QFS 68, 120 and 130); and

c) plant fill work (p p. 24 and 25, Keppler Report);

XI. Test programs did not incorporate requirements and acceptance limits adequately in the areas referenced in a, b and c above, and do not meet these requirements regarding soil settlement remedial actions;

XIII. Measures were not adequately established to prevent damage or deterioration of material regarding frost effects on compacted fill (pp. 16 and 17, Keppler Report);

XV. Measures were not taken to control non-conforming material in order to prevent the inadvertent use (NCR QF29 and QF127);

c) the settlement of the Administration Building in 1977 should have served as a quality indicator, preventing the same inadequate procedures from occurring in the 1978 construction of the diesel generator building causing its eventual settlement.

4. Consumers Power Company performed and proposed remedial actions regarding soils settlement that are inadequate as presented because:

A. Preloading of the diesel generator building

1) does not change the composition of the improper soils to meet the original PSAR specifications;

2) does not preclude an unacceptable degree of further differential settlement of diesel generator building;

3) does not allow proper evaluation of compaction procedures because of unknown locations of cohesionless soil pockets;

4) may adversely affect underlying piping, conduits or nearby structures; and

5) yields effects not scientifically isolated from the effects of a rise in cooling water and therefore not measured properly;

B. Slope stability of cooling pond dikes is not assured because they were built with the same improper soils and procedures (NCR QF172);

C. Remedial soil settlement actions are based on untested assumptions and inadequate evaluation of dynamic responses of those structures to such things as dewatering, differential soil settlement, and seismic characteristics:

a. Auxiliary Building Electrical Penetration Areas and Feedwater Isolation Valve Pits

b. Service Water Intake Building and its Retaining Walls

c. Borated Water Storage Tanks

d. Diesel Fuel Oil Storage Tanks;

D. Permanent dewatering

1) would change the water table, soil and seismic characteristics of the dewatered site from their originally approved PSAR characteristics - characteristics on which the safety and integrity of the plant were based, thereby necessitating a reevaluation of these characteristics for affected Category I structures;

2) may cause an unacceptable degree of further settlement in safety related structures due to the anticipated drawdown effect;

3) to the extent subject to failure or degradation, would allow inadequate time in which to initiate shutdown, thereby necessitating reassessment of these times.

Therefore, unless all the issues set forth in this contention are adequately resolved, the licensee actions in question should not be considered an acceptable remediation of soil settlement problems.

5. The additional information and testing requested of Consumers Power Company by the NRC and its consultant, the Army Corps. of Engineers, on June 30, 1980 and August 4, 1980, is essential to the Staff's evaluation of Consumers Power Company's remedial soils settlement action. Without this information and testing, the Staff does not have reasonable assurance that the plant can be operated without undue risk to the health and safety of the public (part II, p. 3, Order of Modification). The requests must therefore be responded to fully and complied with totally.

II. Contentions of Sharon K. Warren

1. The composition of the fill soil used to prepare the site of the Midland Plant - Units 1 and 2 is not of sufficient quality to assure that pre-loading techniques have permanently corrected soil settlement problems. The NRC has indicated that random fill dirt was used for backfill. The components of random fill can include loose rock, broken concrete, sand, silt, ashes, etc. all of which cannot be compacted through pre-loading procedures.

2. A. Because of the known seepage of water from the cooling pond into the fill soils in the power block area, permanent dewatering procedures being proposed by Consumers Power Company are inadequate, particularly in the event of increased water seepage, flooding, failure of pumping systems and power outages. Under these conditions, Consumers cannot provide reasonable assurance that stated maximum levels can be maintained.

B. Given the facts alleged in Contention 2.A, and considering also that the Saginaw Valley is built upon centuries of silt deposits, these highly permeable soils which underlie, in part, the diesel generator building and other class I structures may be adversely affected by increased water levels producing liquefaction of these soils. The following will also be affected:

1) borated water tanks

2) diesel fuel oil tanks.

3. Pre-loading procedures undertaken by Consumers Power have induced stresses on the diesel generating building structure and have reduced the ability of this structure to perform its essential functions under that stress. Those

remedial actions that have been taken have produced uneven settlement and caused inordinate stress on the structure and circulating water lines, fuel oil lines, and electrical conduit.

DOCKET NUMBER
PROP. 50-289

BOROUGH OF WYOMISSING

BOROUGH HALL - 22 READING BOULEVARD
WYOMISSING, PENNSYLVANIA 19610

October 21, 1980

The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20515

Dear President Carter:

On behalf of the citizens of the Borough of Wyomissing, Borough Council wishes to express its support for the prompt restart of Metropolitan Edison Co. Three Mile Island Unit No. 1. The prompt resumption of service by this Unit will significantly reduce costs for replacement power.

Your efforts in aiding the residents of this area will be indeed appreciated.

Very truly yours,

WYOMISSING BOROUGH COUNCIL

Thomas S. McDonough, Sr.

Thomas S. McDonough, Sr.
President

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