



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

August 8, 1973

Myron M. Cherry, Esq.
Jenner and Block
One IBM Plaza
Chicago, Illinois 60603

In the Matter of Consumers Power Company
(Midland Plant, Units 1 and 2)
Docket Nos. 50-329 and 50-330

Dear Mr. Cherry:

This is in further reference to your letter of July 3, 1973, in which you requested information relating to the inspection of the Midland site we completed on June 28, 1973 (categories (1)(a) through (d)) and certain documents pertaining to that inspection (categories (2)(a) through (e)).

Category (1)(a) of your letter requests "the date of the inspection and whether full or part days were spent." As noted on the face of the inspection report that we sent to the Appeal Board and all parties on July 20, 1973, the inspection was conducted on June 26-28, 1973. Each of the inspectors spent a full work day at the site on June 27 and partial work days on June 26 (from about 12:30 pm to about 5 pm) and June 28 (from about 8:30 am to about 2 pm).

In category (1)(b) you request "the names, titles, experience and organizational affiliation of each person participating in the inspection, whether an AEC employee or not". As indicated on the face of our inspection report, the AEC personnel participating in the June 26-28 inspection were R.A. Rohrbacher and C.M. Erb, each of whom is a Reactor Inspector assigned to Region III, Directorate of Regulatory Operations. The professional qualifications, including practical experience, of each of these men are set forth in Attachments 1 and 2 of this letter. The names, titles and affiliations of non-AEC personnel participating in the inspection are given on pages 5, 6 and 8 of our inspection report, and the experience of each of these individuals is summarized in the applicant's first quarterly report pursuant to ALAB-106,

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a copy of which was sent to you by counsel for the applicant on July 5, 1973.

Category (1)(c) requests "a statement of the scope and content of the inspection procedures used (i.e. check papers, talked to applicant's people, physical inspection etc.) to determine to what extent the inspection was independent of or dependant [sic] upon applicants' people (including Bechtel etc.) and whether the QA-QC of vendors and contractors (including their sites) was inspected." In our view, the scope and content of the June 26-28 inspection is made clear in our inspection report, and in the inspection plan and field notes forwarded to you with our letter of August 2, 1973.

Category (1)(d) requests "a statement whether the inspection procedures used were routine procedures in effect as of the time of inspection or specifically tailored to this situation in view of (1) ALAB-106, (2) the fact that the site has been dormant for a long time and equipment etc. has been stored (some within range of chemicals) and (3) the fact that some fabrication of equipment was no doubt halted for a time and then started again." As we understand the distinction you seek to draw in this request, the June 26-28 inspection was "specifically tailored to the situation". As indicated above, the scope and content of the inspection is covered in our inspection report, inspection plan and field notes, all of which have been forwarded to you.

In category 2(a) you request "the reports or notes of each inspector, whether or not the substance is reflected in the final report. This request was met by our transmittal of August 2, 1973.

In category (2)(b) you request "copies of the manuals or written procedures followed by the inspectors". As noted above, we have already sent you a copy of the plan for the June 26-28 inspection. We have no other manuals or written procedures specifically applicable to that inspection. To the extent category (2)(b) calls for manuals and procedures of general applicability, your request is still under consideration by the staff.

Category (2)(c) asks for "copies of memos or notes recommending action as a result of the inspection". The only such memo or note is W.E. Vetter's memorandum to H.D. Thornburg, dated July 9, 1973, a copy of which is appended hereto as Attachment 3.

In category (2)(d) you ask for "copies of manuals or written procedures in effect now to the extent they differ from those requested in (2)(b) above, and, if different, memos concerning or a statement of reasons for the difference". This request, as we understand it, is based on an assumption that the staff may have made some changes in the "manuals or procedures followed by the inspectors". In fact, no such changes have been made.

Finally, category (2)(e) requests "any reports, records, documents referred to in or relied upon by the report to be submitted to the Appeal Board." We are aware of no documents within the scope of this request other than materials which heretofore have been furnished to you by the applicant or the staff, including the documents transmitted with our letter of August 2, 1973.

As indicated above, we intend to provide a further response to category (2)(b) of your letter of July 3, 1973.

Sincerely,

David E. Kartalia
Counsel for AEC Regulatory Staff

Enclosures:

Professionals Qualifications of
Rohrbacher and Erb
Memo fm Vetter to Thornburg
dtd 7/9/73

cc w/enclosures:

Alan S. Rosenthal, Esq.
Dr. John H. Buck
William C. Parler, Esq.
Howard J. Vogel, Esq.
Arthur W. Murphy, Esq.
Dr. David B. Hall
Dr. Clark Goodman
Harold Reis, Esq.
Irving Like, Esq.
Harold P. Graves, Esq.
Milton R. Wessel, Esq.
Mr. James N. O'Conner

Ms. Mary Sinclair
Honorable William H. Ward
William J. Ginster, Esq.
James A. Kendall, Esq.
David Comey, Esq.
Honorable Vern Miller
Richard G. Smith, Esq.
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Board
Mr. Frank W. Karas

R. A. ROHRBACHER
PROFESSIONAL QUALIFICATIONS
REACTOR INSPECTOR
REGULATORY OPERATIONS, REGION III
UNITED STATES ATOMIC ENERGY COMMISSION

I am presently a Reactor Inspector in the Reactor Construction Branch, Region III, Regulatory Operations, of the USAEC. I am responsible for the construction inspection program for facilities assigned to me. I have been with the AEC since August 1971.

From July 1967 to July 1971 I was employed by Douglas United Nuclear, Inc., Richland, Washington, as a Senior Engineer in the Reliability Engineering Unit of the Technical Division. During this time I completed a number of reliability, system effectiveness and nuclear safety studies for the N Reactor at Hanford.

From 1947 to July 1967 I was employed by the General Electric Company, Richland, Washington, and held the following positions: Chemical Engineer, Instrument Engineer and Senior Engineer.

I graduated from Macalester College (St. Paul, Minnesota) in 1942 with a Bachelor of Arts degree (chemistry and physics). I also have completed graduate courses in mathematics, process instrumentation, probability and statistics, and system safety analysis (University of Washington) and company sponsored courses in process control, computer programming and quality control.

I am a Fellow in The Instrument Society of America and a member in The American Nuclear Society and the American Chemical Society.

I was born in St. Paul, Minnesota, in 1920 and presently reside at 21 W 675 Monticello Rd., Glen Ellyn, Illinois.

CARL M. ERB

QUALIFICATIONS - REACTOR INSPECTOR

I am presently a Reactor Inspector in the Reactor Construction Branch, Region III, Regulatory Operations, of the USAEC.

I am responsible for the construction inspection program for facilities assigned to me. I have been in this position since September 1971.

From 1955 to 1971, I was employed by the General Electric Company in various capacities. Fourteen years have been spent in the naval nuclear program at the Knolls Atomic Power Laboratory and in the Nuclear Energy Division in San Jose California. The positions held were: project engineer, materials engineer, welding engineer, and supervisor of a combined group of engineers. My experience also included 3 years as a supervisor of a laboratory for A. O. Smith, who were engaged in the manufacture of aircraft bomber components. My earliest experience was as a chemist and metallurgist for 7 years with the Sharon Steel Corporation in Sharon, Pennsylvania.

I graduate from Grove City College with a B.S. in chemistry in 1936. Extension courses in nuclear physics and nuclear engineering were taken in 1955 and 1956. In 1958, I earned an M.S. in Management from Rensselaer Polytechnic Institute in Troy, N.Y. In 1968, a course on BWR technology was completed at NED in San Jose.

I was born in 1912 in Los Angeles, California.



UNITED STATES
 ATOMIC ENERGY COMMISSION
 DIRECTORATE OF REGULATORY OPERATIONS
 REGION III
 799 ROOSEVELT ROAD
 GLEN ELLYN, ILLINOIS 60137

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July 9, 1973

H. D. Thornburg, Chief, Inspection & Enforcement Procedures Branch
 Directorate of Regulatory Operations, Headquarters

MIDLAND UNITS NO. 1 AND NO. 2 CONSTRUCTION RESTART STATUS

In conjunction with the attached inspection report, as requested on Page 19 of Memorandum and Order (ALAB-132) dated June 23, 1973, we have reviewed the applicant's report, dated May 25, 1973, on quality assurance action being undertaken to assure satisfactory condition of work already performed and materials now onsite pursuant to Condition 1 of ALAB-106, dated March 26, 1973.

Appropriate quality assurance action is being taken by Consumers Power Company and the architect engineer (Wechtel Corporation). That is, the procedures for inspection, examination, and testing included in the applicant's report appear to be adequate.

Although evaluation techniques and corrective action to be taken will depend on the results of the licensee's efforts, we have no reason to believe that future remedial action will be inadequate. Moreover, based on the current inspection, we believe the work is being done by qualified personnel and will be completed in a timely manner.

W. E. Vetter, Chief
 Reactor Construction Branch

Attachment:
 RO Inspection Reports No. 050-329/73-05
 and No. 050-330/73-05

~~cc: R. A. Rohrbaugh~~

Attachment 3

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 of
 050-329/73-05*

POOR ORIGINAL

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MEMO ROUTE SLIP Form AEC-93 (Rev. May 14, 1947) AEC.M 0240		See me about this. Note and return	For concurrence. For signature.	For action. For information.
TO (Name and unit)	INITIALS	REMARKS		
W. E. Vetter Region III	DATE			
		Please respond to OGC questions on URGENT basis.		
TO (Name and unit)	INITIALS	REMARKS		
50-329	DATE			
TO (Name and unit)	INITIALS	REMARKS		
	DATE			
FROM (Name and unit)	REMARKS			
H. D. Thornburg Chief FS&EB RO				
PHONE NO. 7353	DATE 8/8/73			

USE OTHER SIDE FOR ADDITIONAL REMARKS

GPO : 1971 O - 445-463

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