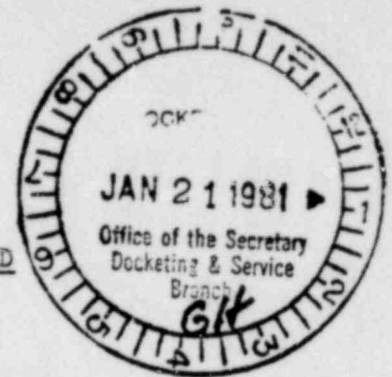


RELATED CORRESPONDENCE

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )

CONSUMERS POWER COMPANY )

(Midland Plant, Units 1 and 2) )

Docket Nos. 50-329-OM  
50-330-OM  
50-329-OL  
50-330-OL

RESPONSE TO INTERVENOR (BARBARA STAMIRIS)  
REQUESTS OF CONSUMERS POWER COMPANY

Pursuant to 10 CFR 2.741(d) and 2.740(b), Consumers Power Company (hereafter referred to as "Consumers") responds to the "document requests" and interrogatories contained in a document entitled "Intervenor Requests of Consumers Power Company 12/4/80" as follows:

DOCUMENT REQUESTS

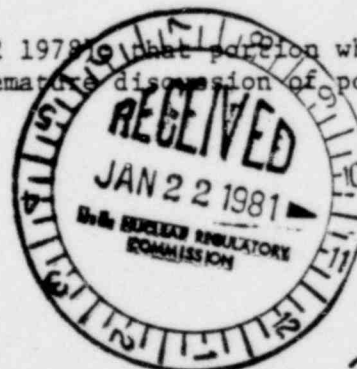
The manner of making inspection of the documents requested was agreed upon by the parties in a phone call between Consumers Counsel Alan Farnell and Ms. Barbara Stamiris. The agreement, which was commemorated in the attached letter from Farnell to Stamiris, specifies that requested documents will be produced at the Consumers Power Company Midland Service Center. The agreement also provides that the documents may be checked out by Ms. Stamiris for study at home. Consumers has responded to the individual requests, in accordance with the following:

Request Number 1

MCAR 24 Interim Report 1 of 50-55e (Sept. 22 1978) which was deleted at the time because it contained premature discussion of possible corrective action options.

Response

Produced at Midland Service Center.



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DS03  
S01

Request Number 2

Any cost or schedule impact data or projections made since those submitted in reponse to 50-54f questions 21 and 22 regarding soil settlement matters.

Response

With respect to schedule impact data, Consumers has interpreted the request to include documents indicating the impact of the soils settlement matters on the plant construction schedule. These documents are produced at the Midland Service Center. Respecting cost information, the request requires perusal of rather complex cost documents and the possibility of a substantial amount of redacting. Because of this, the back-up documents for cost impact data are still being gathered from individuals in the Bechtel organization. Unless it is determined that such documents are privileged or otherwise not discoverable, they will be produced as soon as possible at the Midland Service Center.

Request Number 3

All discussions concerning and leading up to Consumers Power Company's decision to appeal the NRC requests for additional borings.

Response

These documents are produced, except that documents, if any, in the hands of Bechtel consultants respecting this matter are still being gathered. These documents will be produced, if not privileged or otherwise non-discoverable, in the near future.

Request Number 4

Any discussions or considerations of possible lawsuits involving soil settlement matters.

Response

All documents within this request which are not privileged or otherwise not discoverable are produced at the Midland Service Center.

Request Number 5

Discussions of all options ever considered (whether formal or informal, tentative or complete) for correction of the Administration Building settlement.

Response

There are no documents meeting the description contained in this request.

INTERROGATORIES

Interrogatory Number 1(a)

What is the role of a consultant in soil settlement matters?

Answer

The role of the consultant in soil settlement matters is to provide input for engineering decisions made by Bechtel and Consumers. In so doing, consultants may review data or information supplied by Bechtel or Consumers, may evaluate such data or information, and may make recommendations based on such data or information if called upon to do so.

Interrogatory Number 1(b)

Who makes the final decisions on which actions are taken or will be taken. (Please include all levels of input in this decision making process.)

Answer

With regard to soil settlement matters, the Bechtel Project Engineer, utilizing input from Bechtel discipline engineers, consultants, and engineering management, makes an initial technical decision. This decision, depending on its importance, is reviewed by Bechtel Project Management to determine if it is compatible with overall project planning and direction. A decision is then reviewed by Consumers Power Company's Project Manager or his staff. The ultimate decision as to whether or not the initial decision would be adopted is made by the Consumers Power Company Project Manager, or, in the case of decisions of lesser importance, by Consumers Power Company's Project Staff.

Interrogatory Number 2(a)

Did your consultants ever differ in their recommendations on soil settlement matters (including tentative stages)?

Answer

To the best of our present knowledge, recollection, and belief, there were no differences in the recommendations submitted by consultants. There may have been minor differences of opinion expressed by various consultants at one or more of the many soils-related meetings. However, we can recall no specific instance or occurrence of such differences. Recommendations of Messrs. Peck, Hendron and Gould are not included in the scope of the foregoing answer, since time constraints have prevented us from communicating with them on all of their recommendations. As soon as such communications are complete, this answer will be modified if necessary. Also, with respect to the service water pump structure, an additional consultant has been retained to consider alternatives to the proposed fix, but has generated no recommendations.

Interrogatory Number 2(b)

If the answer to 2a is yes, what were these differences and how were they resolved?

Answer

See 2(a)

Interrogatory 3(a)

What, if any, original recommendations of consultants (whether informal or formal, tentative or complete) were later changed or not followed?

Answer

To the best of our present knowledge, recollection, and belief, the only consultant recommendation which was later changed concerns the change from grouting to permanent dewatering. Further, all consultant recommendations were followed. As in the answer to Question Number 2(a), recommendations of Messrs. Peck, Hendron and Gould are not included in the scope of this answer, and this answer is subject to possible modification when the consultant communications referred to in the answer to question 2(a), as well as other consultant communications are completed.



Interrogatory 3(b)

Explain the reasons for such changes or departures (excepting the change from grouting to permanent dewatering).

Answer

See 3(a)

Interrogatory Number 3(c)

What was the decision making process for each of such changes or departures?

Answer

See 3(a)

Interrogatory Number 4(a)

Was NRC geotechnical staff input sought in any way prior to the decision to preload stated in the November 7, 1978 Bechtel-Consumers Power Company meeting (50.54f Vol 3 Section 12) regarding soil settlement matters?

Answer

As documented in "Meeting Notes No. 882, Midland Plant Units 1 and 2" published by Bechtel Associates Professional Corporation, Consumers, Bechtel Associates, and Bechtel's consultants held a meeting on November 7, 1978 to discuss alternative proposals for remedial activities and to obtain formal recommendations from the consultants. During the November 7, 1978 meeting, Messrs. Cooke, Peck, Hendron, and Ferris contacted Messrs. Hood and Heller of the NRC to inform them of proposals to remedy soils problems. While all of the details of the proposals were not conveyed in the phone call, the preloading option was discussed, and the NRC was given an opportunity to provide input on the proposal. Following the November 7, 1978 phone call, the NRC was invited to attend a meeting at the Midland site early in December, providing another opportunity for NRC input prior to the start of preloading in January of 1979. Consumers does not feel that the NRC personnel reacted negatively to the preload proposal, either during the phone call or at the site visit. However, the NRC did indicate in published meeting minutes that Consumers would proceed with the preload option at its own risk.

Interrogatory Number 4(b)

If the answer to 4(a) is yes, describe their input.

Answer

See 4(a)

Interrogatory Number 4(c)

If the answer to 4(a) is no, give the reasons for that decision and how that decision was made.

Answer

See 4(a)

Interrogatory Number 4(d)

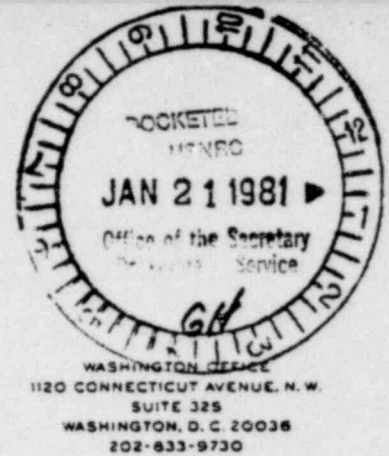
Was such input (4a) ever suggested by anyone? If so, by whom was it made, when was it made, and how was it responded to?

Answer

See 4(a)

ISHAM, LINCOLN & BEALE  
COUNSELORS AT LAW

ONE FIRST NATIONAL PLAZA FORTY-SECOND FLOOR  
CHICAGO, ILLINOIS 60603  
TELEPHONE 312-558-7500 TELEX: 2-5288



December 31, 1980

Ms. Barbara Stamiris  
5795 N. River  
Freeland, Michigan 48623

Dear Ms. Stamiris:

This letter confirms our conversations of today and December 29th.

Pursuant to your December 4, 1980 document request Consumers Power will produce by January 19, 1981 the documents which are not subject to the attorney-client privilege and/or work product privilege. As I stated to you, there may be some such documents called for in production request number 3 and certainly most, if not all, of the documents called for in request number 4 will be protected by those privileges.

The non-privileged documents will be produced at the Midland Service Center and you will be able to sign out documents for study at home. We will contact you prior to production. The interrogatory answers will be mailed to you.

Consumers has agreed to allow you to file reasonable additional document production requests and interrogatories that are directly related to and proximately caused by the documents produced and the interrogatory answers filed in response to your December 4, 1980 requests. We ask that if you do decide to file such additional requests that you do so as soon as possible after you have studied our responses.

We also understand that you will be filing in the next week or two additional requests dealing with quality assurance matters. We will contact you after we have had an opportunity to review the requests.

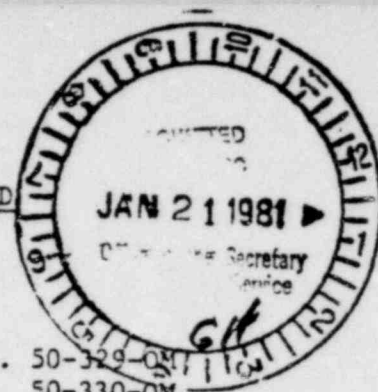
Sincerely,

Alan S. Farnell

ASF:jp  
cc: OM & OL Service List

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



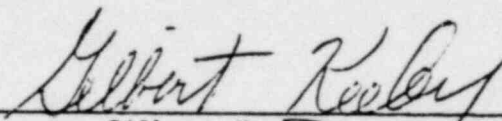
In the Matter of  
CONSUMERS POWER COMPANY  
(Midland, Units 1 and 2)

DOCKET NOS. 50-329-OM  
50-330-OM  
50-329-OL  
50-330-OL

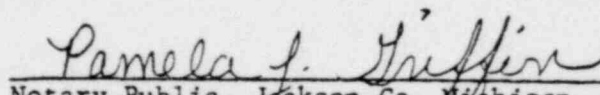
STATE OF MICHIGAN)  
                          ) ss  
COUNTY OF JACKSON)

AFFIDAVIT OF GILBERT KEELEY

Gilbert Keeley, being duly sworn, deposes and says that he is employed by Consumers Power Company as Project Manager, Midland Project; that he is primarily responsible for providing answers to Barbara Stamiris' Interrogatory to Consumers Power Company Number 4; that he provided input respecting the Answer to Interrogatory No. 1; and that to the best of his knowledge and belief the above information and the answers to the above interrogatories are true and correct.

  
\_\_\_\_\_  
Gilbert Keeley

Subscribed and sworn to before me this 19th day of January, 1981.

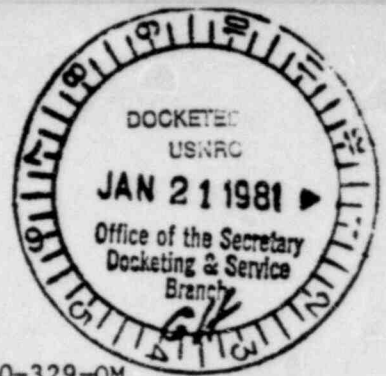
  
\_\_\_\_\_  
Notary Public, Jackson Co. Michigan

My Commission Expires: September 8, 1984



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )  
CONSUMERS POWER COMPANY )  
(Midland, Units 1 and 2) )  
\_\_\_\_\_ )

DOCKET NOS. 50-329-OM  
50-330-OM  
50-329-OL  
50-329-OL

AFFIDAVIT OF NEAL SWANBERG

Neal Swanberg, being duly sworn, deposes and says that he is employed by Bechtel Associates Professional Corporation, as an Assistant Project Engineer; that he is jointly responsible with Sherif Afifi for providing answers to Barbra Stamiris Interrogatories to Consumers Power Company Numbers 2-3; and that to the best of his knowledge and belief the above information and the answers to the above interrogatories are true and correct.

*Neal Swanberg*

Neal Swanberg

Subscribed and sworn to before me this 16 day of January, 1981

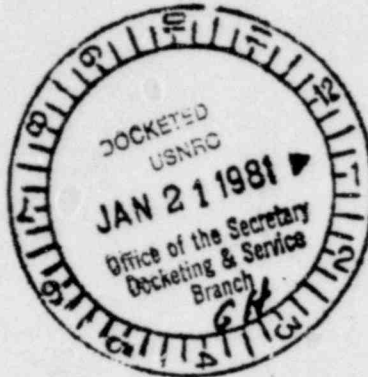
*Beverly A. Bross*  
Notary Public, Washtenaw County, Michigan

My Commission Expires: November 30, 1982

BEVERLY A. BROSS  
NOTARY PUBLIC, WASHTENAW CO., MICH  
MY COMMISSION EXPIRES NOV. 30, 1982

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

County of Washtenaw) )ss  
State of Michigan )



DOCKET NOS. 50-329-OM  
50-330-OM  
50-329-OL  
50-329-OL

AFFIDAVIT OF ALAN BOOS

Alan Boos, being duly sworn, deposes and says that he is the Assistant Project Manager, Midland Project, Bechtel Power Corporation; that he is primarily responsible for providing an answer to Barbara Stamiris' Interrogatory No. 1 to Consumers Power Company; and that to the best of his knowledge and belief the above information and the answer to the above interrogatory is true and correct.

Alastair

Alan Boos

Subscribed and sworn to before me this 16 day of January, 1981.

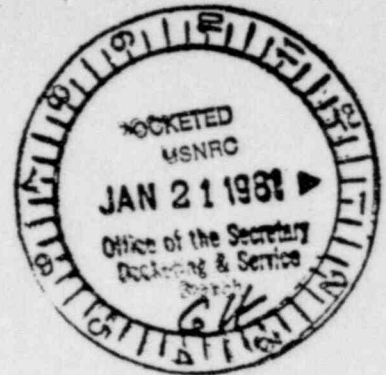
Sincerely, A. B. B.

Notary Public, Washtenaw County, Michigan

My Commission Expires: November 30, 1982

BEVERLY A. PROSS  
NOTARY PUBLIC, WASHTENAW CO., MICH  
MY COMMISSION EXPIRES NOV. 30, 1962

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Response to Intervenor (Barbara Stamiris) Requests of Consumers Power Company" Numbers 1-4, and attached affidavits were served upon the following persons by depositing copies thereof in the United States mail, first class postage prepaid on this 19th day of January, 1981.

Frank J. Kelley, Esq.  
Attorney General of the  
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Assistant Attorney General  
Gregory T. Taylor, Esq.  
Assistant Attorney General  
Environmental Protection Div.  
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One IBM Plaza  
Suite 4501  
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Mr. Wendell H. Marshall  
RFD 10  
Midland, Michigan 48640

Charles Bechhoefer, Esq.  
Atomic Safety & Licensing Board Panel  
U.S. Nuclear Regulatory Comm.  
Washington, D.C. 20555

Gustave Linenberger  
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U.S. Nuclear Regulatory Comm.  
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Mr. Steve Candler  
2120 Carter Avenue  
St. Paul, Minnesota 55108

D. F. Judd, Sr. Project Manager  
Babcock & Wilcox  
P. O. Box 1260  
Lynchburg, Virginia 24505

Atomic Safety & Licensing Appeal Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Mr. C. R. Stephens, Chief  
Docketing & Service Section  
Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Ms. Mary Sinclair  
5711 Summerset Street  
Midland, Michigan 48640

William D. Paton, Esq.  
Counsel for the NRC Staff  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Atomic Safety & Licensing Board Panel  
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Barbara Stamiris  
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Route 3  
Freeland, Michigan 48623

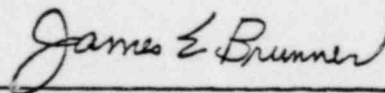
Sharon K. Warren  
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Midland, Michigan 48640

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Consumers Power Company  
212 West Michigan Avenue  
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Bay City, Michigan 48706

Ms. Sandra D. Reist  
1301 Fourth St.  
Bay City, Michigan 48640

Lester Kornblith, Jr.  
Atomic Safety & Licensing Board  
U. S. Nuclear Regulatory Comm.  
Washington, D. C. 20555



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James E. Brunner