

March 8, 1983

50-329

MEMORANDUM FOR: Ben B. Hayes, Director
Office of Investigations

FROM: Guy H. Cunningham, III
Executive Legal Director

SUBJECT: INVESTIGATION OF VIOLATION OF BOARD ORDER

On December 6, 1979, the NRC issued an Order Modifying Construction Permits issued in connection with the Midland facility. The Applicant requested a hearing with respect to that Order and most of the issues were litigated in 1981 and 1982. The only issues that are still to be litigated concern quality assurance and several matters involving pending investigations. I attach a copy of transcript pp. 12049-12063 which report a discussion between the Board and Staff Counsel concerning the pending investigations.

As the transcript shows, the Licensing Board Chairman urged the Staff to complete its investigation of the allegation concerning the Applicant's violation of the Board's April 30, 1982 order so that we would be able to address that matter at the April 26, 1983 hearing. (For further details with respect to that allegation, see attached memorandum dated August 24, 1982.) Members of my staff have discussed this matter with Roger Fortuna, Eugene Pawlik and Charles H. Weil of your staff. We were advised that the investigation by your office should be complete by the end of this month.

Because of the importance placed on this matter by the Licensing Board Chairman, I wanted to bring it to your attention personally so that you can take whatever action you deem appropriate.

Original signed by
Guy H. Cunningham, III

Guy H. Cunningham, III
Executive Legal Director

cc w/attachments:

- E. Adensam
- R. Cook
- R. Gardner
- J. Harrison
- R. Hernon
- D. Hood
- R. Landsman
- S. Lewis
- W. Shafer
- J. Sniezek
- J. Stone
- R. Warnick
- C. Weil

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