

January 21, 1980

TO: G. Fiorelli, Chief, Reactor Construction and
Engineering Support Branch

THRU: D. W. Hayes, Chief, Engineering Support Section 1

FROM: E. J. Gallagher

SUBJECT: MEETING WITH CONSUMERS POWER COMPANY ON JANUARY 16, 1980
REGARDING MIDLAND UNITS 1 AND 2 PLANT FILL

A meeting was held on January 16, 1980 with Consumers Power Company and Bechtel regarding the Midland plant fill settlement issue. The main purpose was to discuss the licensee's response to the supplemental 10 CFR 50.54(f) questions 24 through 35 issues on November 19, 1979. Attached are the presentation materials distributed during the meeting.

The following observations were made during the meeting:

1. Significant safety issues regarding the suitability of the Midland foundation material remain unresolved, as has been the situation since October 1978.
2. Since transfer of lead responsibility from IE to NRR was made on November 17, 1978, no progress has been made in the technical review of the outstanding plant fill safety issue.
3. Since the Corps of Engineers has been contacted by NRR to review the issues, in October 1979, no progress has been made regarding a technical review.
4. Since the NRC order of December 6, 1979 to Consumers Power Company was issued, work has been permitted to continue due to the wording of the order. That is, if a hearing was requested by the licensee the order would not be effective until a date specified following a hearing. The licensee has requested a hearing; therefore, the order is ineffective and work continues in the light of significant safety issues and unsuitable material as foundation for the safety-related structures and components.
5. Consumers Power Company and Bechtel are proceeding with construction of remedial measures on the foundations of the plant without any review by the NRC staff and without any committal by NRR as to the feasibility or suitability of the proposed actions.

In view of the above, I believe that measures should be taken to preclude further construction of the remedial measures on the plant fill until a technical review of the suitability is complete.

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