



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR-016
LPDR

NOV 4 1983

Docket Nos. 50-329
50-330

Andrew M. Zack, Esquire
Barris, Sott, Denn & Draker
21st Floor First Federal Building
1001 Woodward Avenue
Detroit, MI 48226

IN RESPONSE REFER
TO FOIA-83-579

Dear Mr. Zack:

This is in partial response to your letter dated September 29, 1983, in which you requested, pursuant to the Freedom of Information Act (FOIA), all documents in NRC's central and Region III offices relating to NRC's evaluation or review of the design, construction, scheduling, cost and licensing of Consumers Power Company's nuclear plant facilities in Midland, Michigan, from 1977 to the present. This confirms information conveyed during subsequent telephone conversations between you and Mr. Donnie Grimsley and Ms. Linda Robinson of NRC staff.

Records publicly available. The NRC routinely makes records related to its licensing and regulating activities publicly available at the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC 20555, and at over 100 Local Public Document Rooms (LPDR) which are located near the sites of nuclear facilities regulated by NRC. The PDR maintains, among other things, docket-50 files on all of the power plants, including the Midland facilities. The LPDR which maintains a collection of records on the Midland facilities is located in the Grace Dow Memorial Library, 1710 W Street, Andrews Road, Midland, Michigan 48640.

The NRC has already made a voluminous amount of pertinent records on the Midland facilities available for public inspection and copying. We are sending to you under separate cover computer printouts totaling 2,756 pages listing records in the PDR on the Midland facilities under docket Nos. 50-329 and 50-330. The contractor who provided the printouts noted that due to computer problems the separate printouts for the two dockets may contain some duplication of listed records. For your assistance, we are enclosing a copy of NUREG/BR-0052, "Public Document Room File Classification System", which describes the manner in which records are categorized within the docket-50 series, describes the types of documents included in each docket-50 category, and lists and describes

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the other PDR non-docket file categories. With regard to Category T of the docket-50 series, staff of the Atomic Safety and Licensing Board (ASLB) noted that lengthy hearings on the Midland facilities have resulted in transcripts that fill about 12 feet of ASLB shelving space; and PDR staff noted that while such hearing-related records are maintained in the PDR docket files, certain exhibits, though publicly available and retrievable by PDR staff, are among files maintained in a separate NRC office.

In addition to records maintained at the PDR in the Midland docket 50-329 and 50-330 files, as of this date the NRC has made records on the Midland facilities publicly available at the PDR in regard to the following FOIA requests.

FOIA-78-38	FOIA-82-616
FOIA-78-248	FOIA-83-90
FOIA-78-253	FOIA-83-133
FOIA-78-263	FOIA-83-260
FOIA-79-42	FOIA-83-397
FOIA-81-497	FOIA-83-446
FOIA-82-366	FOIA-83-452
FOIA-82-477	FOIA-83-454
FOIA-82-578	FOIA-83-589

As agreed, with regard to FOIA-83-446 noted above, we are enclosing a copy of a Region III memorandum with an attached 29-page report, identified below, which were made publicly available under that FOIA request. The report covers the period starting with the beginning of construction up to June 30, 1982.

October 29, 1982, Memorandum for D. Eisenhut from R. Warnick, "Report on Midland Design and Construction Problems, Their Disposition, and Overall Effectiveness of the Effort to Assure Appropriate Quality".

Also as agreed, we are sending under separate cover copies of 141 records, as identified on enclosed Appendices A and B, which are maintained in NRC's Office of Resource Management caseload forecast files for the Midland facilities although copies of records listed on Appendix A are maintained in the PDR. We will inform you at a later date of the fees for searching for and copying these and other requested records.

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Records maintained in NRC's central files. The NRC does not make all records it prepares and receives routinely publicly available at the PDR and LPDRs for various reasons. These reasons include the belief that not all NRC records are of general public interest and the fact that certain records contain sensitive information, such as proprietary or personal privacy matters, that may be exempt from disclosure under the FOIA. We are also sending to you under separate cover computer printouts listing NRC's records on Midland which are maintained in NRC's central files (CF). We have placed a check mark in the left margin at each record that is clearly designated as proprietary. In many instances, nonproprietary versions of the records are maintained in the PDR docket files.

The CF records are not classified in the same manner as the PDR and LPDR records. Instead, CF records are filed under the following 15 categories.

1. Application and amendments.
2. Construction permit and license.
3. Miscellaneous applicant information.
4. Abnormal occurrences, circulars and bulletins.
5. Memoranda.
6. ACRS and State officials.
7. Consultants.
8. Insurance-related documents.
9. Antitrust.
10. Hearing and opposition.
11. Inspection reports.
12. Environmental correspondence.
13. Director, Regulation of Environment Project internal correspondence.
14. Environmental exemptions.
15. Monthly reports.

As you can see from the computer printouts, NRC also maintains a voluminous amount of CF records on the Midland facilities. However, the computer printouts contain a brief description of the subject of each record. We suggest that you review the subject descriptions and the categories noted above to determine those records in which you may be interested so we can then consider appropriate action as to their disclosure.

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Records maintained by staff offices. Various NRC offices have been involved in matters related to the Midland facilities. Records maintained by staff of those offices may include commingled copies of records publicly available in the PDR or LPDRs, CF records, and additional records such as drafts of publicly available or CF records and other informal records.

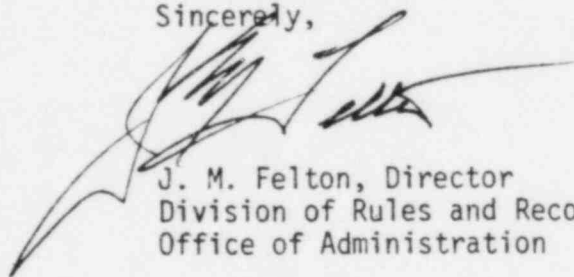
The NRC's Office of Nuclear Reactor Regulation (NRR) has had many employees working on various pertinent matters. We are enclosing a computer printout which lists the names and hours designated as related to matters regarding the Midland facilities. Asterisks have been placed beside the names of individuals no longer employed in NRR or perhaps NRC. We have estimated an average of one-half hour of search by the remaining listed 522 employees, or 261 hours of search time at a cost of \$12.00 per hour for professional search, as specified in 10 CFR 9.14(b)(3).

The NRC's Office of Executive Legal Director maintains hearing records that are available in the PDR. In addition, that office has received from the licensee four boxes of copies of records which the licensee provided to the Dow Chemical Company during discovery in regard to current litigation. Please let us know whether you want us to make these records available to you.

Staff of NRC's Region III office informed us that they have 23 file drawers of records on the Midland facilities, that many are duplicate records and most records are in the PDR. Staff of ASLBP stated that most, if not all, hearing-related records are in the PDR, as noted above. Another staff office estimated eight to nine hours of search for pertinent records.

In this partial response to your request, we have attempted to provide information that will be of assistance to you in determining your specific interest in records which NRC maintains on the Midland facilities. Upon your review of these records, or if you have any questions with regard to this letter, please telephone Ms. Robinson at 301-492-8978 to further discuss this matter.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

Appendix ARecords Available in PDR:

1. 3/27/78 "Summary of March 21-22, 1978 Meeting and Site Visit". (PDR: 7810240017)
2. 11/14/78 "Summary of November 6, 1978 Meeting on Staff Requests for Additional Information Regarding Extension of Construction Completion Dates for Midland Plant, Units 1 & 2". (PDR: 7811280127)
3. 3/21/79 Ltr to Howell from Denton, "10 CFR 50.54 Request Regarding Plant Fill". (PDR: 7904160134)
4. 3/23/79 Memo to Varga from Hood, "Forthcoming Meeting on Review Schedule for Midland Plant, Units 1 and 2". (PDR: 7905290415)
5. 6/13/79 Memo for Varga from Hood, "Notice of Meeting with Consumers Power Company, NRC I&E and NRR Concerning Soils Settlement at the Midland Plant Site". (PDR: 7907190028)
6. 6/15/79 Memo to Varga from Hood, "Meeting Notice Regarding Review Status of Midland Plant, Units 1 & 2". (PDR: 7907240053)
7. 6/25/79 Ltr to Stello from Howell, "Midland Nuclear Plant -ALAB-106, Quarterly Report, Dockets No 50-329 and 50-330". (PDR: 7906280161)
8. 7/10/79 "Summary of June 18, 1979 Meeting on Review Status of Midland Plant, Units 1 & 2". (PDR: 7908100380)
9. 8/17/79 Memo to Rubenstein from Hood, "Notice of Visit to Midland Site by the NRC Staff's Caseload Forecast Panel". (PDR: 7909170565)
10. 11/30/79 "Summary of September 27, 1979 Meeting on Design Changes Due to TMI-2 and Open Items". (PDR: 7912110406)
11. 1/16/80 "Summary of September 18-19, 1979 Meeting and Site Visit to Assess Construction Schedules". (PDR: 8001250047)
12. 2/8/80 LTR to Miller, ASLBP, from Gibbs, "Consumers Power Company (Midland Plant, Units 1 and 2) Docket Nos. 50-329, 50-330". (PDR: 8003130201)
13. 3/21/80 LTR to CPCO from Keppler. (PDR: 8004210125)
14. 6/2/80 Memo to Schwencer from Hood, "Meeting Notice - Midland, Units 1 and 2 Revised Cost and Schedule and TMI-2 Influences". (PDR: 8006250010)
15. 6/20/80 LTR to Schwencer from Cook, "Midland Plant Units 1 and 2 Docket Numbers 50-329/330 Cost and Schedule Revisions, File: 0505.5 UFI: 70*01*03 Serial: 9065". (PDR: 8006240409)
16. 6/30/80 LTR to Keppler from Cook, "Midland Nuclear Plant - Resumption of Safety-Related Work by the Zack Company, File: 0.4.2 Serial: 9267". (PDR: 8007280060)

17. 7/3/80 LTR to Keppler from Miller, "Midland Project GWO 7020, Revised Project Milestones, File: 0652.1 Serial: CSM-0298 UFI: 53*54". (PDR: 8007280041)
18. 7/9/80 Memo to Schwencer from Hood, "Forthcoming Meeting for Construction and Licensing Review Schedules - Midland, Units 1 and 2". (PDR: 8007240040)
19. 7/11/80 Memo to Schwencer from Hood, "Notice of Meeting and Tour by Caseload Forecast Panel to Assess Construction Completion Schedules - Midland Plant, Units 1 and 2". (PDR: 8007300261)
20. 7/22/80 Memo to Schwencer from Hood "Forthcoming Meeting for Construction and Licensing Review Schedules - Midland, Units 1 and 2". (PDR: 8007270036)
21. 8/21/80 Memo to Schwencer from Hood, "Notice of Meeting on Additional Information Related to Construction Completion Schedule for Midland Plant, Units 1 and 2". (PDR: 8009100005)
22. 9/3/80 Ltr to Varga from Cook, "Midland Project Information Request - Seismic Category I Masonry Walls, File: B3.8 UFI: 42*05 Serial: 9406". (PDR: 8009090397)
23. 9/16/80 "Summary of August 25, 1980 Meeting on Licensing Status of the Midland Plant, Units 1 and 2". (PDR: 8009300332)
24. 3/31/81 Ltr to Stello from Cook, "Midland Nuclear Plant - ALAB-106 Quarterly Report Docket Nos 50-329 and 50-330, File: 0.4.6 UFI: 70*01 Serial: 11522". (PDR: 8104020162)
25. 5/15/81 "Summary of April 28, 1981 Site Visits". (PDR: 8105260194)
26. 5/27/81 Ltr to Cook from Tedesco, "Staff Comments on Specification for DeWatering". (PDR: 8106100454)
27. 6/4/81 "Summary of April 16, 1981 Meeting on Seismic Response Spectra at Original Ground Surface". (PDR: 8106180137)
28. 7/1/81 Ltr to Stamiro's from Brunner. (PDR: 8107090121)
29. 7/27/81 Ltr to Keppler from Cook, "Midland Project Immediate Action Letter Dated 5/22/81, File: 0.4 2 Serial: 13604". (PDR: 8108280261)
30. 8/21/81 Ltr to Selby from Denton. (PDR: 8109020144)
31. 9/3/81 Ltr to Cook from Tedesco, "Results of 1981 Caseload Forecast Panel Visit - Midland Plant, Units 1 and 2". (PDR: 8109280169)
32. 3/11/82 "Telephone Conference of February 9, 1982 Regarding Borated Water Storage Tanks and Schedule Changes". (PDR: 8203240147)
33. 3/16/82 "Notification of Loose Sands Beneath Service Water Piping". (PDR: 8203260026)
34. 3/16/82 "Seismic Safety Margin Evaluation Worksopce". (PDR: 8203310154)

35. 6/28/82 PNO-III-82-63. (PDR: 8304290197)
36. 9/20/82 PNO-III-82-98. (PDR: 8209240197)
37. 9/22/82 IE Information Notice No. 82-40. (PDR: 8208190232)
38. 9/27/82 PNO-III-82-100. (PDR: 8210040337)
39. 10/29/82 PNO-III-82-121. (PDR: 8211020648)
40. 11/19/82 Ltr to Shewmon from Novak, "Report on Midland Design and Construction Problems, Their Disposition, and Overall Effectiveness of the Effort to Assure Appropriate Quality". (PDR: 8211300004)
41. 12/3/82 PNO-III-82-131. (PDR: 8212080416)
42. 1/12/83 Ltr to CPCO from Paperiello. (PDR: 8301170266)
43. 2/3/83 Notification of Significant Enforcement Action EN-83-07. (PDR: 8302090451)
44. 3/24/83 Board Notification BN-83-39 (PDR: 8303300661), with stated enclosed report. (PDR: 8303300665).
45. 4/6/83 "Notice of Meeting and Tour by Caseload Forecast Panel to Assess Construction Completion Schedules - Midland Plant, Units 1 and 2". (PDR: 8304140312)
46. 6/1/83 "Summary of April 19-21, 1983 Caseload Forecast Panel Meeting". (PDR: 8306070425)
47. 6/21/83 PNO-III-83-51. (PDR: 8306270181)
48. 6/29/83 PNO-III-83-55. (PDR: 8307060310)
49. 7/15/83 PNO-III-83-61. (PDR: 8307200155)
50. 8/9/83 Ltr to Cook from Novak, "Construction Completion Schedule for Midland". (PDR: 8301860064)
51. 8/29/83 Notification of Significant Enforcement Action EN-83-07A. (PDR: 8308310036)

(Total number of pages of enclosed PDR records: 649)

Appendix B

Records made publicly available in response to FOIA-83-579.

1. 12/1977 Bechtel's report, "Project Cost and Schedule Forecast #4". (136 pp.)
2. 3/8/78 Memo to Bassett from Boyd, "Plant-Specific Analysis of Midland Unit 2 Construction Schedule", (1 page), w/stated enclosure:
 3. 3/7/78 - Memo to Tourtellote from Boyd, "Estimated Construction Completion Dates for Midland Unit 2". (2 pp.)
4. 3/16/78 Memo to Varga from Hood, "Forthcoming Meeting to Review Midland Plant Unit 2 Construction Completion Schedule", w/stated enclosure. (4 pp.)
5. 3/15/78 Memo to Cook and others from Martinez, Bechtel, (1 page), w/attachment:
 6. 2/1978 - Bechtel's report, "Project Status". (43 pp.)
7. Undated Attendance List for 3/21-22/78 Midland Site Meeting, w/attached related records. (17 pp.)
8. 4/3/79 Chart entitled "Elapsed Time from First Concrete", Midland 2. (1 page)
9. 5/11/79 Memo to Hood from Kari, "Caseload Panel Estimate of Construction Completion Date for Midland Unit 2". (1 page)
10. 6/18/79 Proposed Agenda for 6/18/79 Meeting, w/attached related records. (3 pp.)
11. 8/10/79 Excerpt entitled, "Interim Report re Settlement, Etc." (6 pp.)
12. 9/7/79 Ltr to CPCO from Rutgers, Bechtel, w/attachment:
 13. 7/1979 - Bechtel's report, "Project Status". (40 pp.)
14. 9/14/79 Agenda for Caseload Forecast Panel Site Visit 9/18-20/79, w/attached related records. (38 pp.)
15. 9/27/79 "Agenda" and attached related records. (5 pp.)
16. Undated Note to Bill Lovelace from Darl Hood w/attached pages. (3 pp.)
17. 1/29/80 Article from The Wall Street Journal. (2 pp.)
18. 6/10/80 Agenda for 6/13/80 meeting and related records. (7 pp.)
19. 7/18/80 Article from Daily News. (2 pp.)
20. 7/25/80 Agenda for 7/29/80 meeting, Caseload Forecast Panel Site Visit, and related records. (136 pp.)

21. 8/5/80 CPCO news release. (3 pp.)
22. 8/12/80 Meeting Notice Distribution list and attached agenda for 8/5/80 meeting. (6 pp.)
23. 8/18/80 Note to Project Managers from Schwencer w/attached response prepared by Darl Hood, w/o attached records identified at Nos. 12 and 17 of Appendix A. (2 pp.)
24. 8/27/80 NRC News Announcement 80-79. (2 pp.)
25. 10/17/80 Article from The Wall Street Journal. (1 page)
26. 1/29/81 Article from Daily News. (1 page)
27. 5/23/81 Article from Daily News. (1 page)
28. 5/26/81 Article from Daily News. (1 page)
29. 7/8/81 Article from Times. (1 page)
30. 7/14/81 Article from Daily News. (1 page)
31. 7/15/81 Ltr to CPCO from Rutgers, Bechtel, w/attachments. (34 pp.)
32. 7/15/81 Article from Daily News. (1 page)
33. 7/18/81 Article from Daily News. (2 pp.)
34. 8/3/81 Memo to Eisenhut from Tedesco, "Midland Case Load Visit". (1 page)
35. 8/4/81 Memo to Adensam from Hood, "Notice of Meeting and Tour by Caseload Forecast Panel to Assess Construction Completion Schedules - Midland Plant, Units 1 and 2", w/attached agenda and distribution list. (5 pp.)
36. 8/24/81 Agenda for Caseload Forecast Panel meeting 8/25/81, w/related records. (80 pp.)
37. 8/27/81 Article from Daily News. (2 pp.)
38. 8/30/81 Article from Journal. (1 page)
39. Undated Listing entitled, "Schedule for Site Visits, (10/1/81 Thru 9/30/83)" (1 page)
40. 11/23/81 "Summary of November 12, 1981 Meeting on Construction Schedules for Foundation Modifications to Auxiliary Building", w/enclosures. (8 pp.)
41. 1/13/82 Memo to Comm. from Dircks, "Daily Staff Notes - January 12, 1982". (1 page)
42. 5/10/82 Article from Daily News. (1 page)

43. 8/1982 Midland Reactor. (8 pp.)
44. 8/19/82 CPCO's Midland Review. (1 page)
45. 8/27/82 CPCO's Midland Review. (1 page)
46. 9/1982 Midland Reactor. (9 pp.)
47. 9/2/82 Midland Review.. (1 page)
48. 9/17/82 Memo to Novak from Hernan, "Fire Protection Site Survey - Midland Plant". (3 pp.)
49. 10/7/82 Midland Review. (1 page)
50. 10/26/82 NRC News Announcement 82-84. (1 page)
51. 11/10/82 Memo to Denton and others from Hood, "Daily Highlight", w/stated enclosure. (5 pp.)
52. 11/17/82 A newspaper article, w/attached PNO-III-82-130 (PDR: 8212060112). (2 pp.)
53. 11/29/82 A newspaper article. (1 page)
54. 12/2/82 Article from Midland Daily News. (2 pp.)
55. 12/3/82 Articles from Daily News and Midland Daily News. (5 pp.)
56. 12/3/82 Midland Review. (1 page)
57. 12/22/82 Midland Review. (1 page)
58. 12/28/82 Article from Daily News. (3 pp.)
59. 1/20/83 Midland Review, w/attachment. (2 pp.)
60. 2/8/83 NRC News Announcement 83-07. (1 page)
61. 2/8/83 NRC News Announcement 83-08. (2 pp.)
62. 2/23/83 Article from Daily News. (1 page)
63. 3/11/83 Memo to Adensam from Hernan, "Notice of Meeting - Midland Plant, Units 1 and 2". (2 pp.)
64. 3/14/83 Midland Review, w/attachment. (2 pp.)
65. 3/22/83 Midland Review. (1 page)
66. 4/12/83 Between the Lines, w/attached transmittal sheet. (2 pp.)
67. 4/12/83 Memo to Denton and others from Hood, "Daily Highlight", w/stated enclosure. (5 pp.)

68. 4/19/83 Handwritten notes, w/attached calendar page re Midland 4/19-22/83. (5 pp.)
69. Undated Agenda for 4/19-21/83 meeting, w/related records. (210 pp.)
70. 4/20/83 Computer printout, "Planning Schedule" Revision 12. (52 pp.)
71. Undated Draft of letter identified at No. 51 of Appendix A. (1 page)
72. Undated Draft of letter identified at No. 51 of Appendix A. (2 pp.)
73. 6/17/83 PNO-III-83-49. (1 page)
74. 6/29/83 Article from Daily News. (3 pp.)
75. 7/1/83 Article from Citizen Patriot. (1 page)
76. 7/2/83 Articles 6/30/83 and 7/2/83 from Record Eagle and Daily News. (1 page)
77. 7/12/83 Article from Daily News. (1 page)
78. 7/15/83 Ltr to Keppler from Falahee, CPCO, advising of Dow's termination notice. and complaint, w/stated enclosures. (31 pp.)
79. 8/3/83 NRC News Announcement 83-53. (1 page)
80. 8/4/83 Article from The Wall Street Journal. (1 page)
81. 8/4/83 Article from News. (2 pp.)
82. 8/5/83 Note to Adensam from Hartfield, "Memo Novak to Cook" regarding letter identified at No. 51 of Appendix A. (1 page)
83. 8/10/83 Article from Daily News. (1 page)
84. 8/19/83 Articles 8/12/83 and 8/19/83 from Free Press and News. (1 page)
85. 9/8/83 Note to Adensam from Hood, "Record of September 2, 1983 Telephone Call on Scheduling of Followup Meeting on Construction Completion Dates". (1 page)
86. Undated Transcript of radio program on nuclear power by Michigan State University. (28 pp.)
- 87-89. Undated Charts and graphs. (17 pp.)