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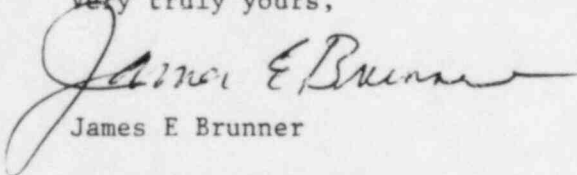
September 15, 1983

OL/OM Parties

Dear Parties,

Attached please find a proof of service on documents recently sent.

Very truly yours,



James E Brunner

CC OL/OM Service List

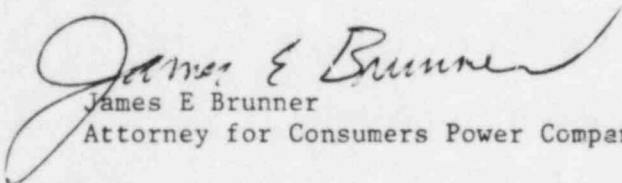
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Proof of Service

This certifies that J E Brunner served copies of the documents referenced in the attached letter, together with the letter, on the following parties by Federal Express Mail, on either September 14 or September 15, 1983:

Mary Sinclair
Lynne Bernabei
William Paton
Judge Harbour
Judge Cowan
Judge Decker


James E Brunner
Attorney for Consumers Power Company

September 14, 1983

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Dear Board Members

In a conference call on August 25, 1983, Chairman Bechhoefer requested a copy of information supplied by Consumers Power Company as input for the NRC's Yellow Book (NUREG 0030). Attached is the Company's Response to the Chairman's request. These documents were obtained from a file maintained at the jobsite. My Staff is in the process of attempting to confirm the completeness of this file. If a problem is found, the Board will be advised.

In addition to the requested Yellow Book input data, I have attached, pursuant to the McGuire disclosure standard, certain other documents relevant and material to the schedule issue presently before the Board for decision. These documents reflect communications between the Company and the NRC's caseload forecast panel.1/

1/ This is believed to be a relatively complete compilation, although a comprehensive search of Company files for caseload forecast panel communications has not been made. For convenience, the documents are, for the most part, in chronological order, and the Board's copy has been tabbed.

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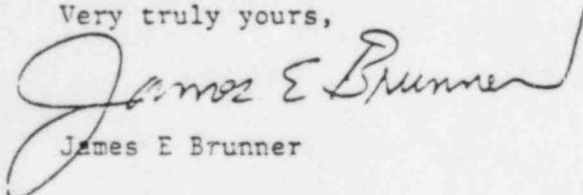
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Of particular interest are the minutes of a July 28-29, 1980, caseload forecast panel visit to the jobsite. See Tab 1, K R Kline, August 21, 1980 "NRC Caseload Forecast Panel visit/Schedule Status," Bates 00240-00343. Some of the attachments to these minutes are slides or handouts used by the Company during the meeting. The meeting was attended by Messrs Hood, Paton, and Mrs Stamiris, among others. There was discussion at this meeting of the evolution of project schedules after January, 1980, when Forecast 6 was completed. A slide used in the presentation of Mr Mollenkopf (bearing number 00260; see Tab 2 attached to Mr Kline's minutes) lists reasons for the most recent schedule improvement. See also the attachment with number 00266, showing a number of items with possible negative impact (i.e. "float") on the new schedule.^{2/} The NRC Staff asked for and was sent by separate mailing a copy of Mr Mollenkopf's slides (documents 260 to 269), attached to Mr Kline's minutes. See Tab 3, August 12, 1980 telecon of T J Sullivan, numbered 00237. I have also provided a copy of the prepared text of Mr Mollenkopf's presentation for this meeting. (document numbered 0611 to 0628)

The caseload forecast panel held a follow-up meeting on August 22, 1980 (see Tab 4, minutes, August 25, 1980, T J Sullivan, 00344). The meeting minutes reflect a frank discussion between CPCo and NRC Staff on bulk installation rates, among other subjects. On September 16, 1980, the forecast panel announced its conclusion. See Tab 5, summary of August 25, 1980 meeting on Licensing Status of the Midland Plant, Units 1 and 2, dated September 16, 1980 by D S Hood. Although the forecast panel's schedule disagreed with the Company's adjusted forecast 6 schedule by three months, the Staff's letter announced that the panel's conclusions were in "reasonable agreement" with the Applicant's.^{3/} These documents and the yellow books demonstrate that the prediction of schedule is an inexact art and that the NRC's caseload panel draws independent conclusions from data presented to it.^{4/} More importantly, they show that the Company has not misrepresented its schedule to the NRC Staff.^{5/}

Other documents of possible interest or bearing on these issues are attached. The Company would be happy to respond to any further requests of the hearing Board in relation to this matter.

Very truly yours,



James E Brunner

Notes

2/ These minutes demonstrate that the Company's scheduling methodology and the completion dates derived from it were apparently not only revealed but also discussed at this meeting (See notes at p.2 and the attachment at pp 00252-00253). The Company stated the reason why it thought the schedule could be improved upon. It also disclosed significant negative floats (up to six months) associated with some items (see numbered p 00266 attached to document #1) indicating a clear uncertainty in the revised schedule and the need for improvements to achieve it.

3/ Of course the reasonableness of the target fuel load date is not an issue before the Board.

4/ See also, e.g., memo to T R Tourtellote from Roger S Boyd dated March 7, 1978 numbered 00001.

5/ See also, minutes of a June 13, 1980 meeting relative to NRC review of the Midland OL application (doc 00234 et seq). (These notes were authored by J E Brunner. No privilege is claimed regarding these notes, which merely recite what happened at a public meeting attended by a number of other attorneys and other persons. The disclosure of the notes does not waive any applicable privileges regarding other notes or communications of Mr Brunner. Further, see D S Hood's notice of the June 13, 1980 meeting, doc 0607-0610.

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