

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

Before Administrative Judges
Charles Bechhoefer, Chairman
Dr. Frederick P. Cowan
Dr. Jerry Harbour

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OFFICE OF SECRETARY
DOCKETING & SERVICE
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In the Matter of)

CONSUMERS POWER COMPANY)

(Midland Plant, Units 1 and 2))

ASLBP Nos. 78-389-03 OL
80-429-02 SP

Docket Nos. 50-329 OL
50-330 OL

Docket Nos. 50-329 OM
50-330 OM

INTERVENOR BARBARA STAMIRIS' INTERROGATORIES
TO NUCLEAR REGULATORY COMMISSION STAFF

TO: Nuclear Regulatory Commission Staff.

Intervenor Barbara Stamiris, pursuant to 10 C.F.R. 2.720(h)(2)

(ii) submits the following interrogatories to this Atomic Safety and Licensing Board, ("Licensing Board") as the presiding body over these OM and OL hearings.

She requests that these interrogatories, if this Licensing Board deems proper, be answered fully, separately, in writing and under oath, by or before October 21, 1983.

These interrogatories are deemed to be continuing and any additional information relating in any way to these interrogatories which Consumers acquires subsequent to the date of answering them, and up to and including the time of hearing, should be furnished to intervenor promptly after such information is acquired.

INSTRUCTIONS

A. All information is to be divulged which is in your possession or under your control, or is in the possession or under the control of your present or former executives, commissioners, employees, staff, directors, officers, trustees, managers, attorneys, inspectors, investi-

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gators, consultants, accountants, or their agents, representatives or attorneys, or maintained in any branch, section, office of other subdivision of the Nuclear Regulatory Commission.

B. Where an individual interrogatory calls for an answer which involves more than one part, each part of the answer should be set out so that it is clear to which interrogatory it refers.

C. Where identification of a meeting, conversation, discussion or communication is required, the following shall be separately stated as to each such meeting, conversation, discussion or contact: the date; place; persons present; the method of communication, whether oral or written; the identity of each speaker; the substance of each speaker's participation; the substance of the subject discussed; the purpose of the meeting; the identity of any person who possesses information concerning such meeting, conversation, discussion or contact; the substance of any decision made at such meeting; any minutes, correspondence, notes, memoranda or other writing which resulted from or memorialized such meeting; and the location of any correspondence, notes, memoranda, or other writing.

D. Where identification of a document is required, state: its date; its exact title; the general subject matter of the document; the author and his/her affiliation, office or business, presently and at the time the document or correspondence was prepared; the last known address of the addressee and his/her name, title, affiliation, presently and at the time the document was prepared; and last known address of every person to whom a copy of the document was to be sent, other than the addressee described above; the names and addresses of all persons who now have the original and/or copies;

the identification and location of the files where the original and each copy is normally kept and the custodian thereof; and whether the document will be made available for inspection and copying, and the site of such voluntary production.

E. If Consumers contends that the answer to any interrogatory is privileged, in whole or in part, or otherwise objects to any part of any interrogatory, state the reasons for each objection or grounds for exclusion, and identify each person having knowledge of the factual basis, if any, on which the privilege or other ground is asserted.

F. If an interrogatory could, at one time, have been answered by consulting documents which are no longer in existence, in answer to such interrogatory:

1. identify what information was maintained;
2. identify all documents which contained such information;
3. state the time period during which such documents were maintained;
4. state the circumstances under which documents ceased to exist;
5. state the date when such documents ceased to exist;
6. identify all persons having knowledge of the circumstances under which such documents ceased to exist; and
7. identify all persons who have knowledge or had knowledge of the documents and their contents.

G. As used herein and unless the context otherwise requires, the terms:

(i) "NRC" shall mean the Nuclear Regulatory Commission, its branches, departments, sections, offices, subdivisions, its present and former commissioners, administrators, management,

employees, agents, representatives, consultants or officials, or their attorneys and representatives.

(ii) "Consumers" shall mean Consumers Power Company, its subsidiaries, branches, divisions, departments, sections, affiliates, its present and former directors, management, board of directors, employees, staff, agents, consultants, officials, attorneys or representatives, or their attorneys and representatives.

(iii) "Bechtel" shall mean the Bechtel Power Corporation or any of its branches, divisions, subsidiaries, auxiliaries, departments, sections, subdivisions, parent companies present and former directors, management, board of directors, employees, staff, agents, consultants, officials, attorneys, or any other corporation or company which is a member of the Bechtel family, or their attorneys or representatives.

(iv) "Document" shall be read to include every writing of every type and description, and every other instrument or device by which, through which or on which information has been recorded and/or preserved, including but not limited to memoranda, including those reflecting meetings, discussions or conversations, notes, letters, drawings, files, cancelled checks, check stubs, deposit or withdrawal slips, graphs, charts, maps, photographs, deeds, agreements, contracts, handwritten notes, diaries, logs, ledgers, studies, data sheets, notebooks, books, appointment calendars, telephone bills, telephone messages, train tickets or stubs, airplane tickets or boarding passes, receipts, vouchers, minutes of meetings, pamphlets, computations, calculations, accounting(s), financial statements, tax forms, voice recordings, and other data compilations and every other device or medium on which or through which information of any type is transmitted, recorded or preserved. The term "document" also means every

copy of a document when such copy is not an identical duplicate of the original.

(v) "Person" shall refer to any natural person, firm, partnership, joint venture, trust, corporation or any other entity natural or legal, domestic or foreign.

(vi) "Communication" shall mean communication, discussion, conversation, contact, letter, memorandum, telephone call, message or direction, whether written or oral and whether in person, by telephone or by mail.

(vii) The OI Investigation and/or OI Report shall mean the original NRC investigation or report into alleged violations of the Atomic Safety and Licensing Board ("ASLB") Order of April 30, 1982, completed at or about June 2, 1983, by the NRC's Office of Investigations.

(viii) The Supplemental OI Investigation and/or Supplemental OI Report shall mean the supplemental NRC investigation and report into Consumers' alleged violation of the Board Order, which investigation resulted in the Supplemental Report dated September 12, 1983.

H. A number of interrogatories are directed to specific individuals. Intervenor requests a response from only that individual as to all such questions are so directed.

INTERROGATORIES

1. Identify all interviews conducted during the OI investigation and Supplemental OI Investigation. State the reason(s) for conducting the additional interviews during the supplemental OI Investigation.

2. Identify which attendees and/or participants in the May 20, 1982 meeting referred to in the OI Reports were interviewed by NRC investigators. Identify all documents related to such interviews.

3. Identify all attendees/ participants in the May 21, 1982 exit meeting interviewed by NRC investigators. Identify all documents related to such interviews.

4. Identify all attendees/participants at the May 19, 1982 entrance meeting interviewed by NRC investigators.

Identify all documents related to such interviews.

5. If any person who was in attendance or a participant at the meetings mentioned in Interrogatory Nos. 2, 3 and 4 above, was not interviewed by an NRC investigator, state the reasons for not interviewing these individual(s).

6. Identify all communications between Region III Administrator James Keppler and the Office of Investigations regarding Mr. Keppler's request that the OI investigation be reopened.

7. Identify all communications between the NRC and John L. Donnell with regard to the OI investigations or OI investigative reports.

Describe in detail the circumstances of all communications between the NRC and Mr. Donnell after April 1982 up to the present.

8. State why three investigators, in addition to Mr. Weil, were assigned to conduct the Supplemental OI Investigation.

9. Describe all information and/or evidence which supports Mr. Donnell's statement that workers in the soils remedial program were aware of Dr. Landsman's prohibition against excavation of the deep Q duct bank.

10. Identify all meetings, discussions, conversations or communications between the NRC and Consumers relating to proposed or decided-upon enforcement action to be taken against Consumers for violation of the ASLB Order or for findings contained in the OI investigations, including the October 10, 1983 enforcement meeting held in Region III.^{1/}

11. Describe any decision or proposals related to enforcement action to be taken against Consumers for violation of the ASLB Order, including but not limited to identification of all penalties or actions considered, and the person(s) recommending or suggesting such penalties or actions.

12. Describe the review Region III has conducted of the Supplemental OI Report and the evaluation of each of the Region III inspectors, employees or managers who has participated in a such review.

13. Describe the basis for the following statements in the Hayes to Keppler Transmittal Memorandum of September 12, 1983:^{2/}

^{1/} Since Mr. Stamiris' counsel did not receive notice of this enforcement meeting by October 11, 1983, the facts underlying this interrogatory may be incorrect. Mrs. Stamiris' reserves the right to file additional discovery on this point when she receives notice of such meeting.

^{2/} Mrs. Stamiris' counsel has yet to receive this transmittal memorandum even though it was apparently served on all other parties last week. Mrs. Stamiris reserves the right to seek additional discovery from the NRC Staff on this point at such time as she receives this transmittal memorandum.

(a) Consumers had been put on notice that prior NRC approval was required prior to initiation of the deep Q duct bank excavation;

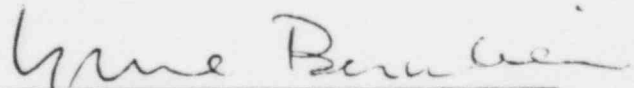
(b) Consumers' failure to obtain prior NRC approval was due to a breakdown in their internal organizational communications;

(c) Consumers actions could be seen as "sufficiently negligent to constitute careless disregard of NRC requirements."

Describe the method by which this memorandum was served on the parties to these proceedings, including Mrs. Stamiris' counsel.

14. Describe what if any NRC requirements, policies, or procedures and what statutory or case authority OI referred to in making the statement that Consumers actions were in "careless disregard of NRC requirements."

Respectfully submitted,



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DATED: October 11, 1983

Attorney for Intervenor

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Intervenor Barbara Stamiris' Interrogatories to Nuclear Regulatory Commission Staff

were

mailed, proper postage prepaid, this 11th day of October, 1983, to:

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*Delivered through the NRC internal mails.