



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

OCT 17 1982

Docket Nos: 50-329 OM, OL
 and 50-330 OM, OL

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MEMORANDUM FOR: Thomas M. Novak, Assistant Director
 for Licensing
 Division of Licensing

THRU: Elinor G. Adensam, Chief
 Licensing Branch No. 4
 Division of Licensing

FROM: Melanie A. Miller, Project Manager
 Licensing Branch No. 4
 Division of Licensing

SUBJECT: ADMITTED MIDLAND CONTENTIONS

Enclosed is a tabular listing of all contentions accepted by the board for litigation (Attachment 1). The table is provided for informational purposes and will be continuously updated as changes in contention status occur. The intervenor's name and contention number are listed with a corresponding key phrase provided for each contention for easy reference. Additionally, the date under the contention number refers to the year it was accepted by the board and is listed to avoid confusion in redundant contention numbers. Attachment 2 summarizes the contentions and the reviewers responsible for testimony. This attachment is also subject to change.

We are sending this table to responsible reviewers by copy of this memorandum. If there are questions, I can be reached at X24259.

Melanie A. Miller

Melanie A. Miller, Project Manager
 Licensing Branch No. 4
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Enclosures:
 As stated

cc: See next page

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ATTACHMENT 1

ADMITTED MIDLAND CONTENTIONS

Admitted Midland Contentions

<u>Contention #</u>	<u>Key Phrase</u>	<u>Contention</u>
Sinclair 3 (1982)	severe accidents	The assessment of the likelihood and severity of "severe accidents" (or class 9 accidents) in the DES is inadequate in that it relies for methodology and probability of occurrence of severe accidents on the Rasmussen Report (WASH-1400) DES 5-45-66. However, a new NRC report reveals that the Rasmussen methodology, at least as it pertains to more severe accidents (total meltdown), significantly understates the risk of such accidents by a factor of 20. Precursors to Potential Severe Core Damage Accidents: 1969-1979, a Status Report, NUREG/CR/2497 (June 1982). This report shows that probabilities of severe accidents should be derived on the basis of actual accident sequences and significant events, rather than the Rasmussen methodology. The failure of the DES to incorporate this analysis cripples the entire Class 9 analysis of the DES.
Sinclair 5 (1982)	cooling pond	The staff DEIS is deficient in that it continues to base its analysis of the cooling pond's effectiveness in controlling thermal discharges (DEIS at 4-6) and ice and fog generation (DEIS at 5-9) on a study based on cooling pond performance in a substantially different climatic region. Instead, the DEIS should analyze information from the Dresden, Illinois nuclear facility (or other data from a comparably sized and situated facility) for both purposes, and present the baseline data from that facility to allow the agency and the public to reach an informed decision on the adverse affects of the cooling pond.
Sinclair 7 (1982)	synergism	The issue of synergism between chemicals and radiation (Contention 61, (old 55) <u>Contentions of Mary Sinclair, 1978</u>) must be re-opened based on a new study. Scientists at Sandia National Laboratory, Albuquerque, New Mexico, have conducted tests sponsored by the NRC on polymer cable insulation and jacketing used in nuclear power containment buildings. (<u>Industrial Research and Development, June, 1982</u>)

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Sinclair 6 (1982)	QA-Howard	They have found that long-term low doses of gamma radiation degrades many polymers more than do equal doses administered at higher rates in shorter testing times. Besides the dose rate effect, the researchers have also found that <u>synergistic</u> effects can occur when polymers are exposed to radiation and mildly elevated temperatures. Dr. Roger Clough, of Sandia National Laboratory, has stated that the present testing method underestimates the long-term effects and synergisms that display themselves only in longer tests. This study indicates that the useful life of the plant will be shortened considerably because of this problem.
Sinclair 8 (1982)	QA-records	See Enclosure 1
Sinclair 8 (1982)	QA-records	The Zack Company of Chicago which has been the contractor responsible for the heating, cooling and ventilating system of the Midland nuclear plant has filed a non-compliance report with the NRC on or about August 4, 1982, indicating that two sets of records -- a shop record and a QA record -- which are required to be kept to guarantee the integrity of the welds and therefore, must be signed by the same welder, were, in fact, signed by two different persons. This violates the federal standards for documentation for safety-related systems in a nuclear power plant. This breakdown in quality control means the principal method that the NRC has for guaranteeing the integrity of the welds in the HVAC system (which is already built into a large part of the plant) has failed and that therefore the protection of the public health and safety cannot be guaranteed as required by 10 CFR §§50.57(1), 50.57(2), and 50.57(3) and Part 50, Appendix B.
Sinclair 16 (1982)	QA-welders	In the Part 21 report that Zack Co. filed which was signed by Dave Calkins of Zack and prepared by Howard McGrance of Consumers Power Co., it was disclosed that 140 Travelers showed unverified welder qualifications for fabrication welds. Without qualified welders for this large

<u>Contention #</u>	<u>Key Phrase</u>	<u>Contention</u>
		number of welds, the necessary guarantee for the protection of the public health and safety cannot be met as required by 10 CFR §§50.57(1), 50.57(2) and 50.57(3). In addition, this report indicates that the quality assurance in construction of these plants has not been met as required by Part 50, Appendix B.
Sinclair 24 (1979)	ground stability	The present site for the Midland facility is not only inappropriate for the reasons set forth in Contention 9, but also affirmatively unsafe. Serious questions have been raised concerning the ground stability of portions of the site. At least one of the essential buildings of the reactor complex is reported sinking, and construction has been halted on that building. As a result of the serious and unresolved questions concerning ground stability, the findings required by 10 CFR §§50.57(a)(3) and 50.57(a)(6) cannot be made.
Sinclair 27 (1979)	evacuation	Recently discovered information indicates that the Advisory Committee on Reactor Safeguards conditioned the acceptability of the present Midland site for the project on the existence of a highly effective evacuation system. However, no adequate evacuation plans exist. Aerial surveys of traffic conducted during the construction permit stage of these proceedings, and taken during shift changes, indicated that evacuation in an acceptable time cannot be accomplished. Further, relying on the evacuation plans of Dow Chemical Company is inadequate. During the evacuation following the recent chlorine leak, evacuation procedures were chaotic and all communications were either jammed or ineffectual. In fact at an NRC conference held in Midland, Michigan on September 8, 1978, both the County Road Commission and the Midland Planning Commission admitted that they have not considered evacuation routes. As a result, the findings required by 10 CFR §50.57(a)(3)(i) and §50.57(a)(6) cannot be made.

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Sinclair 28 (1982)	water hammer	<p>Contention 28 deals with the water hammer problem of pressurized water reactors of the Midland type. This problem is identified as one of the unresolved safety issues applicable to Midland 1 & 2 in the SER, C-4. Babcock and Wilcox (B&W) plants with an internal auxiliary feedwater (AFW) feed ring of the same design as Midland in recent events, have shown a marked susceptibility to internal damage of the feed ring as a result of water hammer. From this, reduced cooling in the steam generators could occur as a result of inadequate AFW flow following loss of normal feedwater flow. (NRC Response to Interrogatory 7) Since this effect involves critical safety systems, the Task A-1 report (Jan., 1980) states that systematic review procedures in the OL review process will require the Applicant to: 1) address potential water hammer problems in various systems; 2) demonstrate that there are adequate design features and 3) expand the preoperational testing program to insure that these design features and operating procedures do prevent damaging water hammer events.</p> <p>However, the SER does not indicate that these criteria have been met by the Applicant. As a result of this omission, the findings required by 10 CFR §§50.57(a)(3)(i) and 50.57(a)(6) cannot be made.</p>
Sinclair 30 (1982)	tube integrity	<p>The degradation of steam tube integrity due to corrosion induced wastage, cracking reduction in tube diameter, and vibration induced cracks is a serious unresolved safety problem at the Midland nuclear plant. It is admitted that the chemistry of the cooling water is critical to prevention of steam tube failure, (NUREG-0836). However, the fact that these plants depend on cooling water from the cooling pond increases the likelihood of corrosion and poor water chemistry because the DEIS states that the plant dewatering system will first be discharged to the cooling pond. (DEIS at 5-2). That means that many wastes, including radioactive</p>

<u>Contention #</u>	<u>Key Phrase</u>	<u>Contention</u>
		materials from leaks and spills on the reactor site, can enter the cooling pond and disrupt the chemistry of the pond. Therefore, due to this contribution of an undetermined amount and quality of ground dewatering inflows to the cooling pond, the NRC's bland assurance that corrosion is unlikely due to the lack of sodium thiosulfate, is unsatisfactory. (NRC Response to Interrogatory 9.j.) In fact, due to the contribution of groundwater, the NRC is not fully aware of the likely constituents of the cooling pond, and the findings required by 10 CFR §§50.57(a)(3)(i) and 50.57(a)(6) cannot be made.
Stamiris 1b, c (1982)	cost benefit	NRC's economic cost benefit analysis of the DES is faulty and misleading because it: b. underestimates decommissioning costs c. overestimates lifespan of Unit 1
Stamiris 2 (1982) (consolidated with Sinclair 6)	internal reporting	CPC/NRC internal reporting systems intended to allow plant workers to raise concerns or criticisms about inadequate workmanship or practices are ineffective because they have resulted in job losses due to QA/QC reporting. (<u>Midland Daily News</u> articles dated 7/20/82, 6/28/82, and Howard affidavit, 7/30/82)
Stamiris 6 (1982)	groundwater	The NRC risk assessment in the DES does not consider potential effects of permanent dewatering on groundwater relationships.
Stamiris 8 (1982)	audit	The ACRS has recommended an assessment of Midland's design adequacy and construction quality in their 6/18/82 report (SER Supplement 1, Appendix G). In order to assure that this audit be thorough and objective, it must be performed by an independent third party of a competing contracting firm. Such a requirement was imposed by the ASLB in the Houston Power and Light, 50-498 and 50-499 OL proceeding, 4/30/82. And, due to the pattern of design deficiencies (4/20/82 SALP, p. 16) such an independent audit is necessary to assure the design integrity of this plant. However, the

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		NRC has not required (SER Supplement 1, p. 19-2(1)), and CPC has not committed (7/9/82 Tedesco to Cook letter) to such an independent audit.
Stamiris 1a, b, d (1980)	managerial attitude	See Enclosure 2
Stamiris 2a-d (1980)	schedule pressures	See Enclosure 3
Stamiris 3 (1980)	QA-soils	See Enclosure 4
Stamiris 4 (1980)	inadequate remediation	See Enclosure 5
Marshall 2 (1979)	settling	Present geological conditions, according to newspaper accounts, is causing the settling of the generator building at the Nuclear Power Plant site.
Warren 1 (1980)	fill soil	The composition of the fill soil used to prepare the site of the Midland Plant - Units 1 and 2 is not of sufficient quality to assure that pre-loading techniques have permanently corrected soil settlement problems. The NRC has indicated the <u>random</u> fill dirt was used for backfill. The components of random fill can include loose rock, broken concrete, sand, silt, ashes, etc. all of which cannot be compacted through pre-loading procedures.
Warren 2	seepage	A. Because of the known seepage of water from the cooling pond into the fill soils in the power block area, permanent dewatering procedures being proposed by Consumers Power Company are inadequate, particularly in the event of increased water seepage, flooding, failure of pumping systems and power outages. Under these conditions, Consumers cannot provide reasonable assurance that stated maximum levels can be maintained.

B. Given the facts alleged in Contention 2.A, and considering also that the Saginaw Valley is built upon centuries of silt deposits, these highly permeable soils which underlie, in part, the diesel generator building and other class I structures may be adversely affected by increased water levels producing liquefaction of these soils. The following will also be affected:

- 1) borated water tanks
- 2) diesel fuel oil tanks.

Warren 3
(1980)

DGB stress

Pre-loading procedures undertaken by Consumers Power have induced stresses on the diesel generating building structure and have reduced the ability of this structure to perform its essential functions under that stress. Those remedial actions that have been taken have produced uneven settlement and caused inordinate stress on the structure and circulating water lines, fuel oil lines, and electrical conduit.

Sinclair Contention #6

NRC regulations at 10 CFR Part 50, Appendix B require that applicants for operating licenses develop and implement a quality assurance program for the protection of the public from improper materials or unworkmanlike practices. This QA program includes such elements as procurement document control, control of purchased material, equipment, and services, proper inspections and handling of nonconforming materials, corrective actions, and audits by trained personnel. However, the affidavit attached to this contention and summarized below shows clearly that the QA program for the Midland plant was not in compliance with these requirements, and that therefore, quality assurance and control cannot be established at the Midland nuclear plant.

As basis for this contention, intervenor Mary Sinclair references the affidavit of Mr. Albert T. Howard, a former Quality Assurance Documentation Supervisor for Zack Company, (from October 19, 1981 through April 30, 1982) which was under contract to supply equipment for the heating, ventilating and air conditioning (HVAC) system of the Midland plant.

His affidavit documents the complete breakdown of the QA program for the Midland plant, leading to his dismissal for refusing to conform to Zack's improper QA practices. Those improper practices, with regard to the Midland plant specifically, or all of Zack's nuclear clients generally, are detailed as follows:

1. Howard states that his supervisor, Mr. Calkins, had investigated and reported the QA problems Zack was having with the Midland plant to the Midland plant to the Midland Site Manager as early as August 28, 1981. (at 4)
2. As a result of this report, "major QA reorganizations" were undertaken at Midland, to correct improper QA documentation. Id.
3. Soon after Howard's promotion to Supervisor of the Documents Assurance Department, Howard became aware of "serious deficiencies" in QA documentation. (at 5).
4. On November 18, 1981, a Midland QQ contract employee directed Howard to sign a form attesting to having completed the requisite training for his position, in spite of the fact that Howard did not receive such training. Id.
5. On November 30, 1981, Howard reviewed reports which summarized various QA deficiencies at Midland, including such terms as:

"certs altered"; "white out used and retyped"; and "heat number altered to agree with certification"; missing signatures; certifications missing; lack of test data for purchases; correspondence that steel had been purchased without verification and traceability; and stickers indicating compliance with professional standards. As the summary noted on the latter item, "Authenticity of the signatures is questionable." (at 6).

6. On November 30, 1981, Howard also received a report from Calkins describing the "breakdown of the quality assurance program", resulting in, inter alia, improper modifications to documents. Id.
7. The report described in 6 concluded that the corrective action recommended was to "promise -- with a plan -- not to repeat the misconduct." No "offenders" were to be dismissed. (at 7).
8. Bechtel communicated to Zack in a December 21, 1982 [sic], letter that the reported deficiencies (see 1, 5) were a "paperwork problem", and that it was their opinion that "It is highly probable that Zack ordered correct materials for the Midland project from their sub-tier vendors and that the vendors' intent was to comply with Zack's purchase order requirements." (emphasis added). Howard disagreed strongly with Bechtel's attempt to minimize the seriousness of the QA document breakdown at Zack. (at 9).
9. Howard states that the Zack "internal report/audit" of Bechtel's QA documentation (in 8) was seriously deficient in that it knowingly understated the number of purchase orders to be evaluated, and therefore that Zack's assurance to Bechtel that a "total document audit" was completed was "simply not true." (at 10).
10. Howard reports that "several times" he discussed with Zack management that "delivered materials did not conform to site specifications, and that many of Zack's vendors were unapproved as suppliers of material to nuclear sites." (at 11).
11. Howard's affidavit then states that a Mr. Perry contacted Commonwealth Edison QA manager about the deficiency in delivered materials, who then contacted Consumers Power at the Midland site. Consumers apparently then contacted the president at Zack, who informed Howard that she "did not appreciate our calls outside the company." (at 11, 12).
12. On November 5, 1980, the Bechtel Power Corporation sent a letter to the Zack Company. Howard reports that the letter "makes it clear that Bechtel Power Corporation had sufficient knowledge of material being shipped to the site in nonconforming condition." (at 14).
13. Howard states that a September 1981 letter to Zack Company from U.S. Steel describes a "serious misunderstanding" regarding purchases of steel for 26 purchase orders at all three sites (including Midland).

Howard states that the letter points out that the Zack

"confirming orders" all read "Safety-Related". The U.S. Steel letter points out that first, the orders had not been purchased as "Safety-Related"; and second, that since the purchase orders were not called in as safety-related, they were not handled through the "V&T" (Verification and Testing) program." (at 16).

Howard points out that the use of the term "Safety-Related" implied that the items received the quality verification required by regulation, which was inaccurate. Id.

14. Mr. Howard's affidavit states further that Zack did not confine its purchases to those from "approved" vendors.

"Another vendor, the Delta Screw Company, also failed a fall audit. A fall 1981 Zack letter from Mr. Calkins allegedly removed Delta Screw Co. from the approved vendors list for failure to comply with the requirements of a Quality Assurance program as required by the NRC. However, I knew that Zack Company did not follow its own "approved vendors list". A list of the P.O.s from December 21, 1981 to February 1982 reveals that, in fact, Delta Screw received approximately 38 purchase orders from the Zack Company before being put back on the approved vendors list in February 1982." (at 18).

15. Howard also describes that Zack personnel were not adequately trained to perform their duties. This lack of training included the president of Zack, who "assured the utility management that all problems relating to the Zack QA/QC breakdown were under control and her personal supervision". (at 18, 19).
16. Howard's affidavit describes the notes of a meeting on November 3, 1981, at the Midland site, with all relevant QA personnel in attendance. The notes show that the principal purpose of the meeting was to decide "whether or not to report the QA breakdown under 10 CFR 50.55(e) to the NRC". (at 19). The notes further state that Zack was to "try to get material certified to federal specifications", and to "revise or clarify existing requirements so that the purchases would be acceptable." Id.
17. Howard describes a steadily increasing level of "intimidation and verbal abuse" from management, apparently designed to induce Howard's resignation. (at 22).

18. Howard then states that he confided in Mr. Leonard of MPQAD (at Midland) of the "awkward difficulties" with QA at Zack. (at 22). He advised Howard that he recognized Zack's "large number of problems over the years," and that he should report any specific allegations under a confidentiality agreement. Id.
19. On April 13, 1982, Howard called Leonard and report QA problems at Zack. Howard reported these allegations officially through the MPQAD allegation system on April 15. (at 23).
20. Despite Leonard's promise of confidentiality, Howard reports that "on April 16, 1982, Mr. Calkins [his supervisor at Zack] called me into his office and told me I had betrayed him and that he was not going to speak to me anymore". Id.
21. Soon after his visit with Calkins, Howard received a copy of a memorandum from the president of Zack to all employees. "Without mentioning me by name, this memo referred to and then denied the allegations I had made to Mr. Leonard. It also denied us access to the files without upper management permission". Id.
22. After a short review of the Zack files, Mr. Leonard informed Howard that he failed to find anything wrong "of substance" with the Zack QA documents. Mr. Leonard stated to Howard that "I was fired once, too, you know." (at 24).
23. On April 30, 1982, Howard was fired by the president of Zack for "incompetence". Nevertheless, she acknowledged that Zack's QA performance was "appalling". (at 24, 25).
24. On May 3, 1982, Howard reported the QA deficiencies at Zack to NRC investigators. (at 25). While he left with them documents relating "alterations", "possible forgeries", and admissions by Zack that it's failure to qualify vendors was a "serious program deficiency", the NRC has not contacted Howard further until July 21, 1982 (the date of the affidavit). Although he called and visited the office several times, no interest was shown by the NRC in his revelations. (at 26).

Stamiris Contention 1 (1980)

Consumers Power Company statement and responses to NRC regarding soil settlement issues reflect a less than complete and candid dedication to providing information relevant to health and safety standards with respect to resolving the soil settlement problems, as seen in:

- *(a) the material false statement in the FSAR (Order of Modification, Appendix B);
- *(b) the failure to provide information resolving geologic classification of the site which is pertinent to the seismic design input on soil settlement issues (Responses to FSAR Questions 361.4, 361.5, 361.7 and 362.9);
- (d) the failure to provide adequate acceptance criteria for remedial actions in response to 10 CFR §50.54(f) requests (as set forth in Part II of the Order of Modification);

and this managerial attitude necessitates stricter than usual regulatory supervision (ALAB-106) to assure appropriate implementation of the remedial steps required by the Order Modifying Construction Permits, dated December 6, 1979.

*April 20, 1981, Supplement to Contention 1

Examples of CPCo. reluctance to provide requested information:

1. 3/31/80 NRC meeting notation of Applicant's reluctance to provide NRC consultants with requested information.
2. Vol. III, Tab 65 50-54f, 8/6/79 meeting, attitude that "needlessly conservative decisions may be formulated on the 'what it' type questions" by the NRC on dewatering.
3. The 11/24/80 S.A.L.P. assessment on CPCo. - NRR interface as presented by D. Hood in the following statements regarding soil settlement issues:

A big contributor to the inability to make meaningful progress in this matter is the quality of responses gotten. We have set some kind of record on the number of questions re-asked, which speaks poorly for CPCo.-NRR interface. ...The bottomline is there seems to be a lack of appreciation or support of Staff review necessities and a tendency to push ahead despite the lack of proper assurances."

4. The perfunctory manner in which CPCo. deponents answered questions. (I will tabulate examples from the depositions I attended.)

*These items have previously been litigated.

Examples of information withheld or incorrectly given:

5. The failure of CCo. to discuss the Administration Building settlement problem with the NRC, as they did with their consultants, in the early meetings on the DGB settlement.
6. The false FSAR statements beyond the one cited as a "material false statement" in the December 6 Order, as discussed in the 4/3/79 Keppler - Thornburg memo, and the 6/13/79 Thornburg - Thompson memo.

*Stamiris Contention 2 (1980)

Consumers Power Company's financial and time schedule pressures have directly and adversely affected resolution of soil settlement issues, which constitutes a compromise of applicable health and safety regulations as demonstrated by:

- a) the admission (in response to §50.54(f) question #1 requesting identification of deficiencies which contributed to soil settlement problems) that the FSAR was submitted early due to forecasted OL intervention, before some of the material required to be included was available;
- b) the choice of remedial actions being based in part on expediency, as noted in Consumers Power Company consultant R. B. Peck's statement of 8-10-79;
- c) the practice of substituting materials for those originally specified for "commercial reasons" (NCR QF203) or expediency, as in the use of concrete in electrical duct banks (p. 23 Keppler Report) **;
- d) continued work on the diesel generator building while unresolved safety issues existed, which precluded thorough consideration of Option 2 - Removal and Replacement Plan.

*April 20, 1981, Supplement to Contention 2

Further examples of the effect of financial and time pressures on soil settlement issues:

Examples	Effect on soil settlement issues
1. 11/7/78 Bechtel action item: "proceed with preparations for preload as rapidly as possible"	1. Root causes not adeq. investigated. Organizational deficiencies not eliminated prior to proceeding with remediation
2. 11/7/78 decision to fill pond "immediately, because the amount of river water available for filling is restricted"	2. Affected piezometric measurements during preload
3. 11/7/78 "5-month period is available in the schedule for preloading"	3. The surcharge was removed at the end of this 5 months despite lack of NRC satisfaction that secondary consolidation was assured

* These items have previously been litigated

**March 22, 1979, Keppler Investigation Report conducted by Region III, Dec. 78-Jan. 79.

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| 4. | Failure to grout gaps prior to cutting of duct banks, failure to cut condensate lines when first suggested, failure to break up mudmat at DGB | 4. | Resulted in additional stresses to DGB which could have been avoided |
| 5. | Choice to continue construction of DGB | 5. | Eliminated practical consideration of Removal & Replacement Option |
| 6. | Early FSAR submittal and inadequate review of FSAR | 6. | Precluded early detection of inconsistencies which could have prevented some of the s.s. problems |
| 7. | Failure to reconstruct geometry of area prior to fill placement, failure to await NRC approval before proceeding with Preload, selection of "least costly feasible alternative" for DGB | 7. | Varying degrees of caution and conservatism were foregone in favor of cost and schedule advantages |
| 8. | Failure to excavate loose sands as committed to in PSAR | 8. | Contributed to inadequacy of subsoils |
| 9. | Installation of preload instrumentation was subject to time pressure assoc. with frost protection considerations | 9. | Expenditures for preload instrumentation (CJD 11/1/78 memo) prior to formal adoption of preload = premature commitment |
| 10. | Appeals to NRC to consider financial plight and schedule deadlines as in Seismic Deferral Motion | 10. | If granted, would affect seismic--soil settlement standards |
| 11. | Depth and breadth of surcharge limited by practical consideration of DGB, Turbine B. structures | 11. | Afforded less than optimum conditions for surcharge |
| 12. | Changes to design (DGB foundation), material, or procedural [sic] specifications without proper approval | 12. | Contributed to settlement or stress problems and allowed conflicts to go unnoticed as preventative indicators |

*Stamiris Contention 3 (1980)

Consumers Power Company has not implemented its Quality Assurance Program regarding soil settlement issues according to 10 CFR Part 50, Appendix B regulations, and this represents a repeated pattern of quality assurance deficiency reflecting a managerial attitude inconsistent with implementation of Quality Assurance Regulations with respect to soil settlement problems, since reasonable assurance was given in past cases (ALAB-100, ALAB-106 and LBP-74-71) that proper quality assurance would ensure and it has not.

The Quality Assurance deficiencies regarding soil settlement include:

- a) 10 CFR Part 50, Appendix B, Criteria III, V, X and XVI as set forth in the Order of Modification;
- b) 10 CFR Part 50, Appendix B, additional criteria denoted by roman numerals below:
 - I. The Applicant has failed to assume responsibility for execution of the QA program through its failure to verify and review FSAR statements (pp. 6-8 and p. 21, Keppler Report) and through its reliance on final test results not in accordance with specified requirements (p. 16, Keppler Report);
 - II. The QA program was not carried out according to written policies, procedures and instruction, in that oral directions were relied upon and repeated deviations from policies occurred regarding compaction procedures (p. 9-14, Keppler Report);
 - VII. Control of purchased material has not been maintained, in that examination and testing of backfill materials did not occur in accordance with regulations (NRC QF29, NRC QF147);
 - IX. Control of non-destructive testing was not accomplished by qualified personnel using qualified procedures regarding
 - a) moisture control (Keppler Report p. 14-16; QA Request SD40, NRC QFS52, 172, 174 and 199);
 - b) compaction procedures (Keppler Report, p. 9; NRC QFS 68, 120 and 130); and
 - c) plant fill work (pp 24 and 25, Keppler Report);

*These items have previously been litigated.

- XI. Test programs did not incorporate requirements and acceptance limits adequately in the areas referenced in a, b and c above, and do not meet these requirements regarding soil settlement remedial actions;
 - XIII. Measures were not adequately established to prevent damage or deterioration of material regarding frost effects on compacted fill (pp. 16 and 17, Keppler Report);
 - XV. Measures were not taken to control non-conforming material in order to prevent the inadvertent use (NRC QF29 and QF127);
- c) the settlement of the Administration Building in 1977 should have served as a quality indicator, preventing the same inadequate procedures from occurring in the 1978 construction of the diesel generator building causing its eventual settlement.

Stamiris Contention 4 (1980)

Consumers Power Company performed and proposed remedial actions regarding soils settlement that are inadequate as presented because:

A. Preloading of the diesel generator building

- 1) does not change the composition of the improper soils to meet the original PSAR specifications;
- 2) does not preclude an unacceptable degree of further differential settlement of diesel generator building;
- 3) does not allow proper evaluation of compaction procedures because of unknown locations of cohesionless soil pockets;
- 4) may adversely affect underlying piping, conduits or nearby structures; and
- 5) yields effects not scientifically isolated from the effects of a rise in cooling water and therefore not measured properly;

*B. Slope stability of cooling pond dikes is not assured because they were built with the same improper soils and procedures (NRC QF172);

C. Remedial soil settlement actions are based on untested assumptions and inadequate evaluation of dynamic responses of those structures to such things as dewatering, differential soil settlement, and seismic characteristics:

- a. Auxiliary Building Electrical Penetration Areas and Feedwater Isolation Valve Pits
- b. Service Water Intake Building and its Retaining Walls
- c. Borated Water Storage Tanks
- d. Diesel Fuel Oil Storage Tanks;

D. Permanent dewatering

- 1) would change the water table, soil and seismic characteristics of the dewatered site from their originally approved PSAR characteristics - characteristics on which the safety and integrity of the plant were based, thereby necessitating a reevaluation of these characteristics for affected Category I structures;

*These items have previously been litigated.

- 2) may cause an unacceptable degree of further settlement in safety related structures due to the anticipated drawdown effect;
- 3) to the extent subject to failure or degradation, would allow inadequate time in which to initiate shutdown, thereby necessitating reassessment of these times.

Therefore, unless all the issues set forth in this contention are adequately resolved, the licensee actions in question should not be considered an acceptable remediation of soil settlement problems.

Summary of Contentions to be Litigated

<u>Contention</u>	<u>Key Phrase</u>	<u>Reviewer(s)</u>
Sinclair 3	severe accidents	Frank Rowsome
Sinclair 5	cooling pond	Jim Carson and Steve Tsai, ANL
Sinclair 7	synergism	Hal Walker
Sinclair 6	QA - Howard	Wayne Shafer, RIII
Sinclair 8	QA - records	Wayne Shafer, RIII
Sinclair 16	QA - welders	Wayne Shafer, RIII
Sinclair 24	ground stability	Joe Kane, J. P. Knight
Sinclair 27	evacuation	Dave Rohrer
Sinclair 28	water hammer	Bill LeFave, Al Serkiz
Sinclair 30	tube integrity	Cy Cheng, Ray Gonzales
Stamiris 1b, 1c (1982)	cost benefit	Barry Elliot, Maurice Messier, Nick Fields, Frank Cardile
Stamiris 6	groundwater	Joe Kane, Ray Gonzales
Stamiris 8	audit	Darl Hood
Stamiris 1d (1980)	managerial attitude	Joe Kane
Stamiris 4 (1980)	inadequate remediation	Joe Kane, Ray Gonzales, Frank Rinaldi
Marshall 2	settling	Joe Kane, J. P. Knight
Warren 1	fill soil	Joe Kane
Warren 2	seepage	Joe Kane, Ray Gonzales, Frank Rinaldi
Warren 3	DGB stress	Joe Kane, J. P. Knight, Frank Rinaldi, Paul Chen

To: Laurie Speder - Region II

From Mike Wilcove (28529)

5-Pages

Laurie,

- (1) On the April 15 letter, check with Bob to be sure (b) was searched for. In particular, do we have training procedures that CPE submitted?
- (2) For the ~~April~~ request that speaks of in April 19, 1982 memorandum, it should be April 9, 1982 - (the investigation of Al Boos
- (3) For the one that speaks of the August stop work order, that would include all documents involving the alleged violation of the Board Order.

Thanks again,

Mike

4-22-83
11.15
D.N.

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies
1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

April 15, 1983

Mr. Michael Wilcove, Esquire
Office of Executive Legal Director
Nuclear Regulatory Commission
Washington, D.C. 20555

I
Baton/Wright
Wilcove/Chandler
Rutberg
FF
Reply due

Re: Consumers Power Company ^{May 20, 1983}
Midland Plant, Units 1 and 2
Docket # 50-329/330-OM,
50-329/330-OL

Dear Mr. Wilcove:

This is to confirm the questions that I read to you over the telephone this morning regarding Ms. Stamiris' document requests on the Construction Completion Program ("CCP") and ongoing inspection and enforcement action.

First, Ms. Stamiris requests the following:

1) Documents related to ongoing inspections which involve any issue of willful or deliberate violation of any NRC regulation, any law, or any Atomic Safety and Licensing Board ("ASLB") order

2) Documents related to ongoing investigations which involve any issue of willful or deliberate wrongdoing or willful or deliberate violation of any NRC regulation, any law, or any ASLB order.

3) Documents related to the CCP:

(a) For the period September 17, 1982 to the present NRC meeting notes and correspondence between Consumers Power Company ("CPC") and the NRC relating to implementation of the CCP and other than that which appears on the public record,

(b) All documents relating to the retraining of QA and QC personnel; and *(Laurie, please make sure with Bob that they searched for this one.)*

(c) All documents related to CPC's ability, character, or competence to oversee and manage the CCP.

As I mentioned to you yesterday, I believe these requests are included within the scope of Ms. Stamiris' document request Nos. 1 and 5.

Sincerely yours,

Lynne Bernabei

LYNNE BERNABEI
Staff Counsel

840604 0394

period of time in which to review these documents and prepare for cross-examination. She does not believe the NRC Staff's eleventh-hour production of documents satisfies their responsibility to produce documents a reasonable period prior to the hearings.

*Laurel,
pl. note*

C. Ms. Stamiris Would Define the "Independent Audits" Included in Document Request No. 5 in a Different Manner Than Did the NRC Staff in Its Submission of April 15, 1983.

Ms. Stamiris, while agreeing with all other NRC Staff representations concerning agreement between them, would define those independent audits included within the scope of Document Request No. 5 in a different manner.

She would define those independent audits covered by the request in the following way:

- (1) the TERA vertical slice audit;
- (2) the Stone & Webster overview of QA implementation of soils work;
- (3) the original plans for a "horizontal view," which has been recently replaced by the construction implementation overview.

D. Ms. Stamiris Has Requested Information on Ongoing Inspections and Enforcements Which the NRC Staff Is Currently Attempting to Satisfy.

Ms. Stamiris specifically requested, in her counsel's oral request to Mr. Wilcove, confirmed in an April 18, 1983 letter, the following:

- (1) Documents related to ongoing inspections which involve any issue of willful or deliberate violations of any NRC regulation, any law, or any Atomic Safety and Licensing Board ("ASLB") order;

Stamiris' counsel on Thursday, April 14, 1983. As additional Staff documents are received by Staff counsel, subject to any legal objections that may become applicable when Staff counsel review the documents, we will permit Ms. Stamiris' counsel to copy them.

In its Memorandum and Order dated April 5, 1983, the Board directed intervenor Stamiris' counsel to meet with the Staff and negotiate with respect to Ms. Stamiris' request for production of documents. On Thursday, April 14, 1983, Ms. Bernabei and Ms. Garde met with Staff counsel. The Board also directed the Staff to answer by Friday, April 15th, delineating those aspects of the discovery request which remain in dispute. That discussion has been described above. The following agreements were worked out with Ms. Stamiris' counsel:

Intervenor Stamiris' counsel and Staff counsel addressed the second portion of document request #1 and reached the following understanding. Staff counsel will contact the office of investigations to inquire into a listing for identification of any ongoing inspections involving the issue of any willful or deliberate violation of any NRC regulation, law, or ASLB order. Pursuant to agreement with intervenor Stamiris' counsel Staff counsel agreed to contact Mr. Warnick of Region III to determine whether Region III had any ongoing inspections of this nature. Mr. Warnick advised that they did not.

The Staff construes document request 2 as being encompassed by document request 1 and will therefore treat it accordingly.

Intervenor Stamiris agreed to exclude from the scope of document request 4 documents addressing the evaluation of the design of the underpinning.

Intervenor Stamiris and Staff counsel agreed that the term "independent audits" used in the document request 5 refers to third party reviews that the Staff has considered since early 1982: specifically (1) assessment of soils remedial work by Stone & Webster (2) the "vertical slice" audit of three selected plant systems by TERA and (3) a construction implementation overview.

This explains the requests

Intervenor Stamiris' counsel limited the first portion of document request 7 to information relative to the March 1982 SALP report that was developed after the issuance of the report. With respect to the second portion of document request 7, the NRC Staff intends to supply the documents requested.

Staff counsel agreed to make documents available to intervenor's counsel as soon as the documents become available. Intervenor's counsel indicated that if she is not able to receive documents from Region III until Wednesday or Thursday of the week of April 18, she presently intends to ask the Board to delay the proceeding. The Staff will oppose such request.

If Ms. Stamiris, or her counsel, has any disagreement with the Staff's characterization of the negotiations with respect to her document request, we request that we be contacted as soon possible.

IV. CONCLUSION

For the reasons set forth above the Staff believes that Intervenor Stamiris' request for production of documents does not comply with applicable Commission regulations providing for discovery against the Staff. However, the Staff has made and is continuing to make a good faith effort to satisfy significant portions of the request in order to avoid delay in the hearing on quality assurance issues.

Respectfully submitted,

W. D. Paton
William D. Paton
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 15th day of April, 1983



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

APR 22 1983

*Q EFW
B III*

MEMORANDUM FOR: William D. Paton, Counsel for NRC Staff
FROM: R. F. Warnick, Director, Office of Special Cases
SUBJECT: INTERVENOR REQUEST FOR DISCOVERY IN THE MIDLAND HEARING

My April 20, 1983 memorandum to you transmitted the documents requested by the Government Accountability Project (GAP). The memo also indicated that additional documents requested verbally by GAP would be provided by Region III in the near future.

In addition to providing documents on the Construction Completion Program, we are also providing two documents in response to the earlier request. These are listed in Attachment A and are numbered according to GAP's previous request.

If you have any questions, please let me know.

R F Warnick

R. F. Warnick, Director
Office of Special Cases

Attachments:

- A. Listing of pertinent documents
- B. Documents listed in attachment A

cc w/attachments A and B:
PDR
LPDR

cc w/attachment A:
See attached distribution list

8486040391

W. D. Paton

- 2 -

APR 22 1983

cc w/attachment A:
Resident Inspector, RIII
The Honorable Charles Bechhoefer, ASLB
The Honorable Jerry Harbour, ASLB
The Honorable Frederick P. Cowan, ASLB
The Honorable Ralph S. Decker, ASLB
Michael Miller
Ronald Callen, Michigan
Public Service Commission
Myron M. Cherry
Barbara Stamiris
Mary Sinclair
Wendell Marshall
Colonel Steve J. Gadler (P. E.)
Howard Levin, TERA
Billie P. Garde, GAP

Attachment A

PREVIOUS GAP REQUEST

REQUEST 5

Report from Stone and Webster Michigan, Inc. dated April, 1983 on Independent Assessment of Underpinning: 90-Day Report.

REQUEST 7

Memo (Keppler to Hind and Warnick) dated April 18, 1983, regarding SALP appraisals of Zimmer and Midland; copy attached.

GAP LETTER DATED APRIL 15, 1983

Requests 1 and 2 regarding ongoing investigations should be referred to the Office of Investigations rather than Region III

Additional documents related to the CCP:

A. DOCUMENTS FROM R. J. COOK FILE ON CCP

1. CPCo letter to J. G. Keppler from J. W. Cook dated 3/29/83, Subject: Response to Support Reinspection
2. NRC letter to J. W. Cook from J. G. Keppler dated 3/28/83, Subject: CCP
3. CPCo memo to J. W. Cook from D. B. Miller dated 3/31/83, Subject: Midland Nuclear Cogeneration Plant CCP Coordination
4. CPCo internal correspondence to J. W. Cook from D. B. Miller dated 3/23/82, Subject: Midland Nuclear Cogeneration Plant CCP Coordination
5. CPCo letter to L. E. Davis (Bechtel) from D. B. Miller dated 3/3/83, Subject: Bechtel Field Administrative Guidelines
6. CPCo News Release dated 12/3/82
7. CPCo internal correspondence to J. W. Cook and J. A. Rutgers from D. B. Miller dated 3/7/83, Subject: Midland Nuclear Cogeneration Plant CCP Coordination
8. CPCo internal correspondence to J. W. Cook from D. B. Miller dated 4/8/83, Subject: Midland Nuclear Cogeneration Plant CCP Coordination Letter #3 with Attachments

B. CCP SAMPLING BASIS FOR VERIFICATION PROGRAM FOLDER (BLB)

9. One page handwritten notes MPQAD/CPCo/NRC Meeting 3/1/82
10. A List of all PQCI's with Quantity and Sampling Information
11. Quality Verification Program Midland Nuclear Cogeneration Plant Units 1 and 2

C. CONSTRUCTION COMPLETION PLAN FOLDER (BLB)

12. Draft Administrative Guideline - System Team Charter
13. Translation of December 2 Logic Chart to January 7 CCP Submittal
14. CCP Work Schedule dated 12/02/82
15. CPCo letter from J. W. Cook to J. G. Keppler dated 1/10/83, Subject: Construction Completion Program
16. NRC Agenda on meeting to discuss Diesel Generator Building
17. Handwritten notes on CCP Public Meeting 2/8/83 (3 pgs.)
18. Third Party Reviews
19. CPCo Agenda for Construction Completion Program meeting
20. Midland Independent Design Verification Program for the AFW System and Another System to be Determined dated 2/8/83
21. CPCo letter from D. B. Miller to J. A. Rutgers (Bechtel), Subject: Construction Completion Program with attachment "Ground Rules"
22. Memo for D. G. Eisenhut from R. F. Warnick dated 12/03/82, Subject: Recommendation for Notification of Licensing Board
23. CPCo memo to Distribution List from J. W. Cook dated 12/9/82, Subject: Regulatory Interface - Construction Completion Program
24. CPCo draft letter from J. W. Cook to H. R. Denton, Subject: Quality Program Implementation for Soils Remedial Work
25. Analysis of Current and Future Quality Activities with Regard to Remedial Soils Work
26. Draft letter from J. W. Cook to H. R. Denton and J. G. Keppler dated 9/10/82, Subject: Quality Program Implementation.
27. Presentation to NRC - Construction Completion Program

28. Systems Completion Draft Release
 29. Telefax - Reduction of Most Safety-Related Work
 30. CPCo letter from D. B. Miller to L. E. Davis, Subject: Bechtel Field Administrative Guidelines dated 3/3/83 with letter of 3/10/83 rewording paragraph 2 of the 3/3/83 letter
- D. DOCUMENTS FROM R. J. COOK - CCP
31. A list of all PQCI's with Quantity and Sampling Information
 32. Schedule Chart dated 1/31/83
 33. Work Schedule dated 12/02/82
 34. NRC letter to J. W. Cook from J. G. Keppler dated 3/28/83 requesting additional information on the CCP
 35. CPCo organization chart dated 8/30/82 (2)
 36. Significant Features of Integrated MPQAD QA/QC Organization dated 12/14/82
 37. Resume of William J. Friedrich
 38. Handwritten organization charts (3)
 39. Test Program Continuation dated 12/9/82 with attachments
 40. CPCo news release regarding the CCP
 41. Presentation to NRC CCP
 42. Draft news release December 1982
 43. Systems Completion Draft Release dated December 1982
 44. PN - Major Reduction in Safety-Related Work dated December 3, 1982
 45. Handwritten note dated 12/2/82 (Presentation for Get Well Program)
 46. Memo for D. G. Eisenhut from R. F. Warnick dated 12/03/82, Subject: Recommendation for Notification of Licensing Board
 47. CPCo memo to Distribution List from J. W. Cook dated 12/9/82, Subject: Regulatory Interface - Construction Completion Program
 48. Handwritten notes dated 12/2/82 - NRC Comments on CPCo-CCP
 49. CPCo letter to J. W. Cook to J. G. Keppler dated 1/10/83, Subject: Construction Completion Program

50. Draft Administrative Guideline - System Team Charter

51. 1 page handwritten notes

52. Memo from Bruce Peck to Ron Cook dated 1/10/83 with attachment -
CPCo letter for J. A. Rutgers (Bechtel Associates) from D. B. Miller
dated 1/7/83 with attached list of Ground Rules

53. Five pages handwritten notes

E. DOCUMENTS FROM ROSS LANDSMAN - CCP

54. Handwritten notes

55. CPCo letter from J. W. Cook to J. G. Keppler dated 1/10/83, Subject:
Construction Completion Program

56. Quality Verification Program Midland Nuclear Cogeneration Plant
Units 1 and 2

RFW

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies
1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

April 15, 1983

Mr. Michael Wilcove, Esquire
Office of Executive Legal Director
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Consumers Power Company
Midland Plant, Units 1 and 2
Docket # 50-329/330-OM,
50-329/330-OL

Dear Mr. Wilcove:

This is to confirm the questions that I read to you over the telephone this morning regarding Ms. Stamiris' document requests on the Construction Completion Program ("CCP") and ongoing inspection and enforcement action.

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 - (b) All documents relating to the retraining of QA and QC personnel; and
 - (c) All documents related to CPC's ability, character, or competence to oversee and manage the CCP.

As I mentioned to you yesterday, I believe these requests are included within the scope of Ms. Stamiris' document request Nos. 1 and 5.

Sincerely yours,

Lynne Bernabei
LYNNE BERNABEI
Staff Counsel

4406040394
Dupe of previous

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies
1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

April 15, 1983

Mr. Michael Wilcove, Esquire
Office of Executive Legal Director
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Consumers Power Company
Midland Plant, Units 1 and 2
Docket # 50-329/330-OM,
50-329/330-OL

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As I mentioned to you yesterday, I believe these requests are included within the scope of Ms. Stamiris' document request Nos. 1 and 5.

Sincerely yours,

Lynne Bernabei

LYNNE BERNABEI
Staff Counsel

4406040344

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Harrison
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Sandman*

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'83 APR -7 P2:13

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)	ASLBP Nos. 78-389-03 OL
	)	80-429-02 SP
CONSUMERS POWER COMPANY	)	Docket Nos. 50-329 OL
	)	50-330 OL
(Midland Plant, Units 1 and 2)	)	50-329 OM
	)	50-330 OM

INTERVENOR BARBARA STAMIRIS' REQUEST FOR PRODUCTION OF DOCUMENTS TO THE NUCLEAR REGULATORY COMMISSION STAFF

TO: Nuclear Regulatory Commission Staff

Intervenor Barbara Stamiris, pursuant to the Atomic Safety and Licensing Board's Order of April 6, 1983, hereby requests the Nuclear Regulatory Commission ("Commission" or "NRC") Staff to produce and make available for inspection and/or copying each document in the possession or custody of the NRC Staff or subject to the control of the NRC Staff, its agents, or its attorneys, as requested below.

DEFINITIONS

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

- (a) The Nuclear Regulatory Commission or "NRC" shall mean the Nuclear Regulatory Commission, its branches, departments, offices, sections, subdivisions, its present and former commissioners, administrators, management, employees, agents, representatives, consultants or officials, or their agents, attorneys, or representatives.

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(b) "Document" shall mean every writing of every type or 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, notes, letters, drawings, files, graphs, charts, photographs, slide presentations, handwritten notes, logs, ledgers, studies, data sheets, appointment calendars, telephone messages, voice recordings and other data compilations or other media on which or through which information of any type is transmitted, recorded or preserved.

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

DOCUMENTS TO BE PRODUCED

1. Any and all documents relating in any way to the special inspection conducted by the Office of Special Cases, Midland Section, concerning the diesel generator building at the Midland nuclear power plant, NRC Inspection and Enforcement Report Nos. 50-329/82-22 and 50-330/82-22, and any other investigation of systems which affect in any way the diesel generator building, including but not limited to ongoing NRC investigations. For any such ongoing NRC investigation, describe the nature and scope of the investigation.

2. Any and all documents relating in any way to communications between Region III and any other office, or branch of the NRC, or between offices, branches or divisions of the NRC, concerning (a) the reports mentioned in Document Request No. 1 above, or (b) the investigations listed in Document Request No. 1 above.

3. Any and all documents prepared by Region III in the 1980 to 1983 period which relate in any way to comparisons of the Midland nuclear power plant to other nuclear plants in terms of the following:

- (a) the number of noncompliances found by the NRC;
- (b) the number of 50.55e reports filed by Consumers Power Company ("CPC"); and
- (c) the overall rating of the Midland plant as compared to other plants in Region III and other plants under construction in the United States.

4. Any and all documents, including any technical analyses performed by or submitted to the NRC, relating to:

- (a) the NRC decision to allow underpinning work to commence in December 1982 at the Midland plant;
- (b) the NRC decision in February 1983 to allow underpinning work to be done under safety-related structures at the Midland plant; and
- (c) the NRC consideration and assessment of F.I.V.P. jacking and cracking for the period January 1983 to the present.

5. Any and all documents relating in any way to independent audits at Midland; the NRC's review acceptance criteria for these audits; and NRC actions taken in response to these audits.

6. Any and all documents relating to the special investigation initiated by the Spessard memorandum of April 19, 1982, and to issues discussed in that memorandum.

7. Any and all documents relating to the March 1982 SALP Report, and the NRC's decision to postpone the SALP Report scheduled for the Spring of 1983. If no written documents exist regarding the

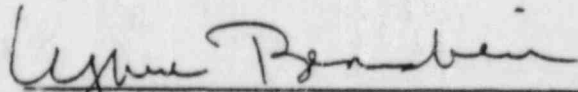
NRC's decision to postpone the 1983 SALP Report, explain the position, reasoning and recommendations of each of the following persons respecting the NRC's decision to postpone the SALP Report:

- (a) Wayne Shafter;
- (b) Robert Warnick; and
- (c) James Keppler.

8. Confirm in writing the NRC Staff's previous representations that no documents exist which relate in any way to:

- (a) the NRC Staff's differing opinions on the enforcement action to be taken in response to the NRC Inspection and Enforcement Report Nos. 50-329/82-22 and 50-330/82-22; and
- (b) the May, August and September 1982 stop-work orders issued by CPC and the CPC decisions to lift these stop-work orders.

Respectfully submitted,



LYNNE BERNABEI
GOVERNMENT ACCOUNTABILITY PROJECT
of the Institute for Policy Studies
1901 Q Street, N. W.
Washington, D. C. 20009
202/234-9382

Attorney for Intervenor Barbara Stamiris

DATED: April 7, 1983

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))	
<hr/>		

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Intervenor
Barbara Stamiris' Request for Production of Documents to the
Nuclear Regulatory Commission Staff were
mailed, proper postage prepaid, this 7th day of April, 1983, to:

Michael I. Miller, Esq.
Ronald G. Zamarin, Esq.
Alan S. Farnell, Esq.
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Consumers Power Company
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Mr. Wendell Marshall
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Mr. Don van Farrowe, Chief
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Mr. Steve Gadler
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St. Paul, Minnesota 55108

U.S. Nuclear Regulatory Commission
Resident Inspectors Office
Route 7
Midland, Michigan 48640

Ms. Barbara Stamiris
5795 N. River
Freeland, Michigan 48623

Mr. Paul A. Perry, Secretary
Consumers Power Company
212 W. Michigan Avenue
Jackson, Michigan 49201

Mr. Walt Apley
c/o Mr. Max Clausen
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Battelle Blvd.
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Mr. I. Charak, Manager
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James G. Keppler, Regional Administrator
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Lansing, Michigan 48909

*William D. Paton
Executive Legal Director
Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Paul Rau
Midland Daily News
124 McDonald Street
Midland, Michigan 48640

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Mr. L. J. Auge, Manager
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Mr. Neil Gehring
U.S. Corps of Engineers
NCEED - T
7th Floor
477 Michigan Avenue
Detroit, Michigan 48226

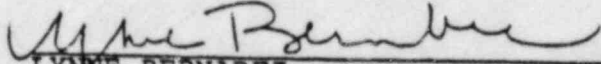
*Charles Bechhoefer, Esq.
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Frederick P. Cowan
Apt. B-125
6125 N. Verde Trail
Boca Raton, Florida 33433

*Jerry Harbour, Esq.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Geotechnical Engineers, Inc.
ATTN: Dr. Steve J. Poulos
1017 Main Street
Winchester, Massachusetts 01890

*Docketing and Service Branch
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555


LYNNE BERNABEI

*Delivered through NRC internal mail.