



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

~~Old~~
D. File - Ba
Hearing

September 22, 1983

MEMORANDUM FOR: James G. Keppler, Regional Administrator, Region III
A. Bert Davis, Deputy Regional Administrator, Region III
~~James G. Keppler, Director, Office of Special Cases, RIII~~
E. Pawlik, Director, Office of Investigations, RIII
D. Hood, Licensing Branch 4, Division of Licensing, NRR
D. F. Hassell, ELD
W. D. Paton, ELD

FROM: Stephen H. Lewis, Regional Counsel, Region III

SUBJECT: MIDLAND HEARING

This is a brief report on the Midland hearing sessions of September 20-21, 1983 and an identification of certain matters to be handled by Region III and OI.

1. The Board accepted our position that we were not yet prepared to give an assessment of the OI Investigation (and Supplemental) Report or the matter of the alleged violation of the Board's April 30, 1982 Order. The Board has tentatively set aside the week of October 31, 1983 and continuing into November 7-9 as necessary, for the Staff and Applicant's testimony on the alleged violation of the Board Order. If we become aware that we will not be prepared to testify by that week, we will have to promptly advise the Board.
2. Attached is a copy of a memorandum to the Board from Jim Brunner, a Consumers Power Company attorney, which enclosed a memorandum of a telephone conversation he had with John Donnell. This conversation took place on September 6, 1983, following OI's interviews of Donnell and should be reviewed by OI to determine whether anything in it contradicts statements made to OI. The cover memorandum indicates that a copy of the memorandum of call was already sent to Mr. Weil.

The Board requested that either Mr. Galanti or Mr. Walker testify at the upcoming hearing, as well as Mr. Weil, since Mr. Weil did not participate in their interview of Mr. Donnell. I advised the Board that OI is independent of the Staff, but that we would pass the request on to OI. I recommend that OI provide Mr. Walker or Mr. Galanti to testify regarding the Donnell interview. The Board indicated that they would be willing to schedule a specific date for the appearance of Mr. Galanti or Mr. Walker.

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The possibility of a subpoena for the testimony of Mr. Donnell was also discussed but no request for the issuance of a subpoena has been made as of this time.

3. Members of the Press made requests for copies of the OI Investigation Report and Supplement. We did not have extra copies to provide, but did show them a copy. Apparently, the OI Report has not yet been placed in the PDR. Since it has already been provided to the Board and parties to the proceeding, I suggest that it be placed in the PDR and provided to the requesting reporters. OI's concurrence on this action is requested.
4. Mr. Hood testified that the Brookhaven consultants would provide a direct report to the staff on Ross Landsman's concerns on the structural integrity of the DGB. That initial report, which I understand will be distributed to the Board and parties, will not reflect any review conducted by the Staff. After receipt of the report, the Staff will review it and take whatever action is appropriate. Dr. Landsman was asked on cross examination whether he would be reviewing the BNL report and stated that he hoped so. I have discussed this matter with Mr. Hood and indicated that Dr. Landsman should be given an opportunity to review the BNL report before the Staff takes a final position. Mr. Hood stated that he would make my request known to DOL.
5. Steve Gadler made a limited appearance on behalf of Mapleton Intervenors and stated that he had not received responses to letters which he had sent to the Staff (addressee not identified by Mr. Gadler) on the following matters:
 - a. electromagnetic pulse
 - b. effect of dewatering on the Tittabawasee River
 - c. treaties with Canada regarding water pollution.

The Staff agreed to check on the status of responses to these letters. By this memorandum, I am asking OSC to check its files to determine if Region III owes Mr. Gadler a response(s) to any letters.

*We do not owe Gadler
any responses. JH/RPW*

Stephen H. Lewis

Stephen H. Lewis
Regional Counsel

Enclosure: Memorandum of September
16, 1983 Brunner to ASLB

cc w/enclosure:
J. Lieberman, ELD