

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

PRINCIPAL	
RA/NS	
D/W	
A/RA	
RC	OPMA
PAC	SCS
SGA	ML
ENF	File

No response planned, Midland File

December 22, 1983

Mr. Thomas A. Rehm
Assistant for Operations
Office of the Executive Director for
Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Rehm:

After studying your November 15, 1983 letter and our related correspondence, we were amused but disappointed. We found no inconsistencies within GAP's position. Rather, your response missed the point both of GAP's October 14 and October 31, 1983 letters to Mr. Keppler.

Ms. Garde criticized the NRC's tacit approval of Stone and Webster in October 1982 as an allegedly independent reviewer for the quality assurance (QA) implementation overview of soils work. This fait accompli was prior to any relevant public meetings. GAP seriously criticized the absence of any public meeting, and the NRC's action then to hastily schedule an open meeting in Bethesda, Maryland. That meeting was no substitute for an appropriate policy from the beginning, when the public could have had a fair chance for a meaningful contribution and before the decisions had already been made. Stone and Webster was at work before the public participation process for the CCP/CIO began in January 1983. The CCP/CIO and soils work are distinct; you were rebutting charges of rotten apples by defending oranges. Your confusion confirms our point.

Certainly Mr. Devine's frank recognition of a major step toward public credibility does not deny that many more major steps are necessary to achieve that goal, nor imply blanket approval of NRC practices at Midland. The handling of Stone and Webster's selection represents a step backwards.

Sincerely,

Thomas Devine
Thomas Devine
Legal Director

Billie R. Garde
Billie Garde
Director, Citizens Clinic

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PDR

JAN 6 1984

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FROM: Thomas Devine & Billie Garde GAP	ACTION CONTROL	DATES	CONTROL NO. 13941
	COMPL DEADLINE		DATE OF DOCUMENT 12/22/83
	INTERIM REPLY		PREPARE FOR SIGNATURE OF: <input type="checkbox"/> CHAIRMAN <input type="checkbox"/> EXECUTIVE DIRECTOR OTHER: _____
	FINAL REPLY		
TO: Thomas Rehn	FILE LOCATION		

DESCRIPTION LETTER MEMO REPORT OTHER

Independent review of Midland Nuclear Plant

SPECIAL INSTRUCTIONS OR REMARKS

Ref. EDO 13676

ASSIGNED TO	DATE	INFORMATION ROUTING
Kapler, RIII for 1/1/84		Rehn
APPROP. ACTION		Stelle
		GCunningham
		Denton
		DeYoung

RA	DRP
D/RA	DE
A/RA	DRMSP
RC	DRMA
PAO	SCS <i>all-3</i>
SGA	ML
ENF	File <i>all</i>

NRC FORM 232 (6-80)

EXECUTIVE DIRECTOR FOR OPERATIONS
PRINCIPAL CORRESPONDENCE CONTROL

JAN 6 1984

File
md. GAP

COLLECTED
UNIT

GOVERNMENT ACCOUNTABILITY PROJECT

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

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December 5, 1983
OFFICE OF SPECIAL ATTORNEY
GENERAL
BRANCH

Charles Boechhoefer, Esq.
Chairman, Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry Harbour
Administrative Law Judge
U.S. Nuclear Regulatory Commission
Washington, D.C.

Dr. Frederick Cowan
Administrative Law Judge
U.S. Nuclear Regulatory Commission
Washington, D.C.

Re: Midland OM Hearing
Document Numbers: 50-329 CI, OL
and 50-330 OM, OL

Dear Administrative Judges:

I am submitting a copy of Stamiris Exhibit No. 140, which are the interrogatories and interrogatory responses to Stamiris Interrogatories 14, 28, 31 and 19(a).

I do not believe that Applicant's two sets of supplementary responses have yet been filed with this Board, and would recommend that they be filed in order to complete the record.

Sincerely yours,

Lynne Bernabei
Lynne Bernabei
Counsel for Intervenor,
Barbara Stamiris

LB:me

Enclosures: a/s

cc: OM/OL Service List

DEC 16 1983

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PRINCIPAL STAFF	
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D/RA	DE
A/RA	DR/SP
RC	DRMA
PAD	SCS
SA	ML
ENF	File

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of:

CONSUMERS POWER COMPANY

(Midland Plant, Units 1 & 2)

Docket Nos: 50-329 OM

50-330 OM

Docket Nos: 50-329 OL

50-330 OL

APPLICANT'S RESPONSES TO STAMIRIS INTERROGATORIES OF OCTOBER 11, 1983

QUESTION 14

Explain the following portions of your typed and handwritten notes for the May 21, 1982 Remedial Soils Meeting:

- a. "target freeze activation on Wednesday, May 26, 1982";
- b. "Fit 4 critical";
- c. "Clear space duct bank...Brien Palmer";
- d. "have QA...look at all pits for any quality concern before Dr. Landsman looks at them..."

RESPONSE 14

To the best of Mr. Sevo's recollection, the following is an explanation of his notes of May 21, 1982, which were made from a QA point of view:

- a. The scheduling goal was to activate the freezewayall on Wednesday, May 26, 1982.
- b. Pit 4 was the pit which provided the interface between the deep Q duct bank and the freezewayall. Pit 4 was "critical" from the standpoint that it had several outstanding items which had to be completed prior to the NRC inspecting the freezewayall and giving its authorization to activate the freezewayall.

- c. This item indicated a notification to Brien Palmer to assure, during the overinspection activities, that the required clear space was present beneath the deep Q duct bank. The clear space was a designed gap between the bottom of the deep Q duct bank and the existing soil prior to freeze-wall activation.
- d. This item is a notification to the QA overinspection group (Brien Palmer) conduct a review of all pits to assure accomplishment of all quality inspection, quality overinspections, and the completion of all other open quality items before the NRC inspection of the monitoring pits.

NOTE: Mr. Sevo's answers to interrogatories numbered 10, 11, 12, 13, and 14 do not include information already provided in the Weil Report, dated September 14, 1983.

QUESTION 19(a)

Identify all activities determined by Consumers or by Bechtel, during the period from April 30, 1982 through September 30, 1982, to be covered by the ASLB Order.

RESPONSE 19

Messrs. Mooney, Wheeler and Schaub respond as follows:

- a. All work not approved by NRC staff before April 30, 1982 and involving digging or drilling in Q soils or remedial soils work was considered to be under the Order. Work believed to be previously approved was described in the May 10, 1982 letter attached to the initial OI investigation. No complete list consisting solely of items regarded as under the Order was, to our knowledge, generated. A description of certain activities identified as of May 11 is provided in the response to the previous

question. A listing of soils-related activities, without necessarily indicating which had been approved by NRC before April 30 is contained in the "Short Term Action Plan." The method used to control approvals on work falling under the Order as defined above, was described in the statement of R.M. Wheeler to NRC investigator Weil.

QUESTION 28

Explain what you meant when you stated to NRC investigators, "It's on there I assume I got the information," which is referenced on Page 29 of the Supplemental OI Report.

RESPONSE 28

Mr. Kostielney does not recall making a statement, "It's on there I assume I got the information." This statement means to him that if an asterisk was placed by a work activity, he would assume he got the information from John Schaub and/or Dave Ronk to put it on the report.

QUESTION 31

Identify all documents you read or reviewed prior to approving the excavation permits for the fireline relocation and deep Q bank excavation.

Identify what portion of these documents indicate the NRC gave prior approval for the activity and/or that prior NRC approval was not required for the activity.

RESPONSE 31

Mr. Murray signed the excavation permit for the deep Q duct bank only; he signed the work permit for the fireline relocation.

As to the fireline relocation, Mr. Murray recalls that there was no documentation which specifically dealt with the relocation. Since the activity

covered under the Board Order was the excavation in Q soils, it was Mr. Murray's understanding that this activity was minor and, therefore, covered in the Wheeler-Landsman agreement. Mr. Murray also recalls that prior to signing the work permit, he telephoned John Schaub to confirm the above reasoning.

Mr. Murray does not specifically recall signing the excavation permit for the deep Q duct bank, nor does he recall any specific document which he reviewed.