



**Consumers
Power
Company**

General Offices: 212 West Michigan Avenue, Jackson, MI 49201 • (517) 788-0550

March 18, 1983

Ms Billie Pirner Garde
Director, Citizens Clinic
Government Accountability Project
Institute for Policy Studies
1901 Que Street, NW
Washington, DC 20009

PRINCIPAL STAFF	
RA	ENF
D/RA	SCS <i>WFB</i>
A/RA	PAO
D/PP	SD
DRMA	RC <i>WFB</i>
DRMSP	
DE	
ML	
CL	FILE <i>WFB</i>

Dear Ms Garde

Confirming our recent discussions relating to my letter to you dated February 24, 1983, and your letter of March 9, 1983, the following states the basis of our agreement: (If this is not consistent with your understanding, please let me know as soon as possible.)

The terms as expressed in the eight numbered paragraphs of your March 9, 1983 letter, (beginning on Page 1 and ending on Page 2) are acceptable to the Company, except that we ask that the person accompanying "Individual A" (March 9, 1983 letter, numbered paragraph 2) be a co-worker or union representative. We assume also that the person chosen must be acceptable to the NRC. Also, the reference in numbered paragraph 4 (March 9, 1983 letter) to the phrase "other communication" refers to communications outside the control group.

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PDR FOIA
RICE84-96 PDR

WFB

Lawrence B Lindemer
Vice President
and General Counsel

Judd L Bacon
Allen B Bass
O K Petersen
William E Wisner
Managing Attorneys

Robert J Byers
Howard E Clark
Brendy E Hagen
Senior Attorneys

Francis X Berkemeier
J E Brunner
Julie A Canham-Rogers
H Richard Chambers
Charles D Dawson
James W Dempsey
John P Dickey
Kevin F Duffy
George F Hill
Laurene H Horisny
Susan Kirk
Wayne A Kirkby
Frank R Knox
James W Koessler
Albert D McCallum
David A Mikalons
Paula H Mills
Vincent P Provenzano
Jon R Robinson
David R Rood
Gregory A Sando
Jack D Shumate
Walter Scott Szpara
A T Udrys
Dennis L Vigione
Theodore J Vogel
Michael G Wilson
Attorneys

I indicated to you that the Company has extended a number of safeguards as expressed in past communications for those individuals who request anonymity, and will abide by those safeguards. Use of the individual's name will be limited to the small control group. The other measures requested by "Individual A" have, by in large, been accepted in past correspondence. The Company's basic philosophy is to try to limit the number of people who know the person's identity or are involved in the matter. I reiterated to you, and I believe you understood, that the Company cannot provide absolute guarantees (except as to the control group) and the Company stands by the language of the last paragraph on the first page of my February 24, 1983 letter. The Company will honor the commitments made in my February 24, 1983 letter and in Mr Cook's December 28, 1982 to James Keppler.

Thank you for your cooperation.

Very truly yours

James E Brunner (etm)

James E Brunner

CC OL/OM Service List
Steve Lewis, Region III
Ron Gardner, Region III
Ron Cook, Region III
Bruce Burgess, Region III

SERVICE LIST

Frank J Kelly, Esq
Attorney General of the
State of Michigan
Carole Steinberg, Esq
Assistant Attorney General
Environmental Protection Div
720 Law Building
Lansing, MI 48913

Myron M Cherry, Esq
Suite 3700
Three First National Plaza
Chicago, IL 60602

Mr Wendell E Marshall
RFD 10
Midland, MI 48640

Charles Bechhoefer, Esq
Atomic Safety & Licensing
Board Panel
U S Nuclear Regulatory Comm
Washington, D C 20555

Dr Frederick P Cowan
6152 N Verde Trail
Atp B-125
Boca Raton, FL 33433

Carroll E Mahaney
Babcock & Wilcox
PO Box 1260
Lynchburg, Virginia 24505

James E Brunner, Esq
Consumers Power Company
212 West Michigan Avenue
Jackson, MI 49201

Mr D F Judd
Babcock & Wilcox
PO Box 1260
Lynchburg, VA 24505

Steve Gadler, Esq
2120 Carter Avenue
St Paul, MN 55108

Atomic Safety & Licensing
Appeal Panel
U S Nuclear Regulatory Comm
Washington, D C 20555

Mr C R Stephens
Chief, Docketing & Services
U S Nuclear Regulatory Comm
Office of the Secretary
Washington, D C 20555

Ms Mary Sinclair
5711 Summerset Street
Midland, MI 48640

William D Paton, Esq
Counsel for the NRC Staff
U S Nuclear Regulatory Comm
Washington, D C 20555

Atomic Safety & Licensing
Board Panel
U S Nuclear Regulatory Comm
Washington, D C 20555

Barbara Scamiris
5795 North River Road
Rt 3
Freeland, MI 48623

Jerry Harbour
Atomic Safety & Licensing
Board Panel
U S Nuclear Regulatory Comm
Washington, D C 20555

Lee L Bishop
Harmon & Weiss
1725 "I" Street, NW #506
Washington, DC 20006

M I Miller, Esq
Isham, Lincoln & Beale
Three National Plaza
52nd Floor
Chicago, IL 60603

John DeMeester, Esq
Dow Chemical Bldg
Michigan Division
Midland, MI 48640

GOVERNMENT ACCOUNTABILITY PROJECT

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

(202) 234-9382

CPW
File

March 9, 1983

PRINCIPAL STAFF	
RA	ENF
D/RA	SCS
A/RA	PAO
DFRP	SLO
DRMA	PC
DRMSP	
DE	
ML	
OL	FILE

Mr. James E. Brunner
Consumers Power Company
P.O. Box 1593
Midland, Michigan 48640

Dear Mr. Brunner:

This letter is in response to your February 24, 1983 letter to me regarding the criteria under which an individual ("Individual A") who has provided a confidential affidavit to GAP will be able to visit the Midland jobsite.

We appreciate the efforts that you have gone through to extend the opportunity to our client to visit the site and identify and explain his allegations to the Nuclear Regulatory Commission inspectors/investigators. As I indicated in my December letter, as well as throughout our conversations, both GAP and Individual A are anxious to have the problems on the site identified and resolved.

The major criteria that we have agreed upon are summarized below:

- (1) A site tour will be provided for Individual A during non-regular work hours (i.e., weekends, evenings, etc.).
- (2) Another individual, preferably a current or former plant employee, or union representative, will be allowed to accompany the individual on the site tour.
- (3) The Company and contractor Bechtel will "not disclose Individual A's identity to the media or general public." We understand that in fact Individual A's identity will not be disclosed beyond the control group identified in your February 24, 1983 letter.
- (4) The Company will not refer to the fact that Individual A had supplied information, which was transmitted to the NRC, in any job reference or any other communication which the Company provides.
- (5) That any reference to Individual A's allegations or to Individual A in company documents will be limited to the control

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March 9, 1983

group as identified in your February 24, 1983 letter. (We strongly suggest that any reference to the individual, including company internal documents, be done with discretion. Both the NRC and GAP use an alphabetical identification system in-house as well as in any external communication. We believe following that procedure would eliminate the possibility of an internal leak.)

(6) That the individual will not have to sign the usual site procedural sign-in book, since he will be accompanied at all times by both NRC and company officials. (This has been done at both LaSalle and Zimmer.)

(7) That the issue of depositions and confidentiality within the ASLB hearing process will be dealt with at some future time through the ASLB under such protective measures as are guaranteed by the Board.

(8) That Individual A will not be subjected to any questioning by company officials attempting to challenge the validity of his/her allegations, or by technical consultants or employees. The purpose of the site tour is to facilitate the NRC inspection effort. Subsequent to the NRC effort we assume Consumers will take the appropriate corrective action.

We further wish to clarify the points raised in your February 24, 1983 letter, paragraph 3.

"Despite the above protective measures, the affiant's identity might be guessed or inferred by a co-worker or other person outside the 'control group' as a result of the identification, tagging (if necessary), or correction of the identified hardware, or because of the required QA documentation pinpointing the problem. Certain persons may already have guessed or been told by the affiant of his identity. Obviously, neither CPGCo nor Bechtel is in a position to guarantee that further disclosures have not or will not be made by such persons, or that they have or will abide by the terms described below."

We assume that Consumers Power Company and your contractor, the Bechtel Corporation, are responsible for the actions of your employees. On an issue as sensitive as this one it would seem appropriate that extra precautions would be taken to ensure that (1) the individual's identity is not released, and (2) that even if his/her identity were guessed or inferred by a co-worker or other person outside the "control group," that person would be aware of and familiar with the agreement made between your company and us on behalf of the protected witness. We can conceive of only a very unusual circumstance where the knowledge of Individual A's

Mr. James E. Brunner
Consumers Power Company

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March 9, 1983

identity on the part of any of your employees would be beyond your control if the conditions agreed to are faithfully followed and since the on-site tour itself will be "secret" and unannounced. We would certainly expect that in the event an employee guessed or inferred the identity, such a guess or inference would not be verified or discussed by the company or contractor or its employees.

Finally, we wish to clarify your comments during our conversation in Midland about the number of people who would know the identity of the affiant. You originally stated, and your December 28, 1983 letter to James Keppler indicated that "not more than two or three persons" would know. However, in the February 24, 1983 letter and via the NRC, it appears that number may be expanding. We wish to underscore that our agreement is predicated upon the promise that the smallest possible number of individuals know our client's identity.

Sincerely,

Billie Pirner Garde
Director, Citizens Clinic

BPG/ea

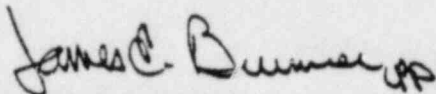
cc: SLewis, Region III
Wpaton, OELD
MIMiller, IL&B
MHearny
OL/OM Service List
JWCook, Consumers
DBMiller, Consumers
RAWells, Consumers
JRutgers, Bechtel

to guarantee that further disclosures have not or will not be made by such persons, or that they have or will abide by the terms described above.

The affiant should also be advised that because intervenors have created a hearing issue out of the undisclosed GAP affidavits, the Company plans to depose all affiants (at some future time). The Company would not object to reasonable steps to protect this individual's anonymity in that desposition or subsequent hearings on the matter. However, the deposition and subsequent hearing process will cause disclosure of the affiant's identity beyond the "control group" defined above, (for example, to the Hearing Board) though under such protective terms as are established by the Hearing Board.

On behalf of the Company, I invite other present or past workers who have made allegations to your organization to visit the Midland Site, under the terms described in Mr Cook's letter and/or extended in this letter. To the extent your organization encourages individuals to take advantage of this opportunity, we appreciate your assistance. Thank you for your cooperation.

Very truly yours,



James E Brunner

CC SLewis, Region III
WPaton, OELD
MIMiller, IL&B
MHearny
OL/OM Service List

SERVICE LIST

Frank J. Kallay, Esq
Attorney General of the
State of Michigan
Carole Steinberg, Esq
Assistant Attorney General
Environmental Protection Div
720 Law Building
Lansing, MI 48913

Myron M. Cherry, Esq
Suite 3700
Three First National Plaza
Chicago, IL 60602

Mr. Wendell E. Marshall
RFD 10
Midland, MI 48640

Charles Beckhofer, Esq.
Atomic Safety & Licensing
Board Panel
U S Nuclear Regulatory Comm
Washington, D C 20555

Dr. Frederick P. Cowan
6152 N. Verde Trail
Apt B-125
Boca Raton, FL 33433

Carroll E. Mahaney
Babeck & Wilcox
PO Box 1260
Lynchburg, Virginia 24505

James E. Brunner, Esq
Consultants Power Company
212 West Michigan Avenue
Jackson, MI 49201

Mr. D. F. Judd
Babeck & Wilcox
PO Box 1260
Lynchburg, VA 24505

Steve Cadler, Esq
2120 Center Avenue
St Paul, MI 48108

Atomic Safety & Licensing
Appeal Panel
U S Nuclear Regulatory Comm
Washington, D C 20555

Mr. C. R. Stephens
Chief, Docketing & Services
U S Nuclear Regulatory Comm
Office of the Secretary
Washington, D C 20555

Ms. Mary Sinclair
5711 Summeret Street
Midland, MI 48640

William D. Paton, Esq
Counsel for the NRC Staff
U S Nuclear Regulatory Comm
Washington, D C 20555

Atomic Safety & Licensing
Board Panel
U S Nuclear Regulatory Comm
Washington, D C 20555

Barbara Staminis
5795 North River Road
Rt 3
Freeland, MI 48623

Jerry Harbour
Atomic Safety & Licensing
Board Panel
U S Nuclear Regulatory Comm
Washington, D C 20555

Lee L. Bishop
Harron & Weiss
1725 "H" Street, NW #506
Washington, DC 20006

M. I. Miller, Esq
Isham, Lincoln & Seale
Three National Plaza
52nd Floor
Chicago, IL 60603

John DeMaester, Esq
Dow Chemical Bldg
Michigan Division
Midland, MI 48640

RFW



**Consumers
Power
Company**

James W Cook
Vice President - Projects, Engineering
and Construction

General Offices: 1945 West Parnall Road, Jackson, MI 49201 • (517) 788-0453

December 28, 1982

J G Keppler, Administrator, Region III
U S Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, IL 60137

PRINCIPAL STAFF			
RA	<i>Shaw</i>		
D/RA		ENF	
A/RA		ISP	<i>leg T-3</i>
DPSEP		PAO	
DCPOSI		SLO	
DEBTP			
HL			
OL		FILE	<i>WJ</i>

MIDLAND NUCLEAR COGENERATION PLANT
MIDLAND DOCKET NOS 50-329, 50-330
ACCESS TO JOBSITE BY SOURCES OF ALLEGATIONS
FILE: 15.3 SERIAL: 20355

Dear Mr Keppler:

Region III has received a number of allegations regarding the Midland Project. These have been made by sources, some of whom have been publicly identified and some of whom have apparently requested non-disclosure of their identities. Recently, Region III has requested that one of its investigators be permitted access to the Midland job site with one such source in order to facilitate an NRC investigation of the merits of the allegations.

Consumers Power Company wishes to cooperate fully with the NRC in its investigations into the merits of all allegations regarding the quality of construction at the site. Accordingly, we are pleased to grant the sources of the allegations access to the site in the presence of the NRC investigators. Indeed, we urge the NRC to encourage all sources of allegations to visit the site with NRC investigators to specifically point out the defects, if any, which are the subjects of the allegations.

In accommodating the sources of allegations who come to the site, we wish to maintain the appropriate security measures and obtain an understanding of the technical specifics of the allegations. Accordingly, the routine plant security measures which apply to the NRC (e.g. signing in and out, wearing badges, etc) would apply in the normal course to the sources of allegations who visit the site. Also, in conformance with our normal plant security and insurance procedures, which provide that all site visitors be escorted by an official of Consumers Power Company, we would designate a responsible official to participate in each site visit. The official would be technically competent in the area of the allegation and would record the allegation in accordance with the existing MPQAD procedure which, upon request, includes reasonable measures aimed at protecting the anonymity of the sources of allegations. In addition, depending upon the source and nature of the

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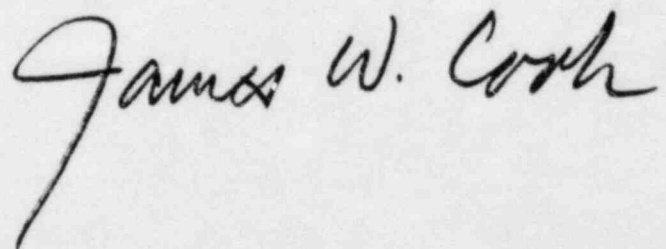
JAN 3 1983

allegation, the Company may desire to have present an additional person from its contractor or consultant organizations. He, too, will honor any request for anonymity. While the Company official may respond to NRC inquiries, during the visit he will not question or challenge the validity of the allegations. This will certainly facilitate the NRC investigations and, to the extent the allegations have any merit, it will enable us to make the necessary repairs, or otherwise resolve the matters.

Because some of the sources may request confidential treatment or restricted disclosure of their identities, we are prepared to schedule the site visits at times consistent with attaining that objective, e.g., site visits may be scheduled for weekends or after hours. Of course, we cannot guarantee that an individual visiting the site will not be recognized; we can, however, assure you that neither we nor our contractors or consultants will engage in any retribution towards such sources.

Some sources of allegations may wish to be accompanied during the site visit by a person other than the NRC investigator and the Company official. Subject to conformance with our normal plant procedures, we will have no objection if any such source requests participation in the site visit by a co-worker on-site or by his or her union representative on-site.

Site visits, under these ground rules, will materially aid NRC investigations and the resolution of the allegations, and will assure the safety of all site visitors without jeopardy to plant security. We applaud your efforts to search out the facts behind the allegations and assure you of our full cooperation.



CC: RSWarnick, NRC Region III
WDShafer, NRC Region III
RJCook, Midland Resident Inspector