

Glen Ellyn, Illinois
(LOCATION)

April 30, 1982
(DATE)

I, Dwane C. Boyd, hereby make the following statement to Charles H. Weil, who has identified himself to me as an Investigator of the United States Nuclear Regulatory Commission. I make this statement freely with no threats or promises of reward having been made to me.

I am currently employed by the U.S. Nuclear Regulatory Commission (NRC) as a Section Chief in the Region III Division of Project and Resident Programs.

During March 1982, Ross Landsman, one of the Inspectors in the Region III Division of Engineering and Technical Programs, attended a meeting at the NRC Headquarters in Bethesda, MD. This meeting concerned the foundation underpinning work at the Midland Nuclear Power Plant being built by Consumers Power Company at Midland, MI. During this meeting, representatives of Consumers Power Company and Consumers Power's architect-engineer, Bechtel Power Corporation, made statements concerning the status of instrumentation installation for the underpinning work at the Midland plant. These statements lead Landsman, and the other NRC representatives at the meeting, to believe that all underpinning monitoring instrumentation had been installed and the only remaining work was to calibrate the instrumentation.

Several days after that March 1982 meeting in Bethesda, Landsman and I participated in a conference telephone call with Ben Marguglio, Consumers' Power Director of Quality Assurance, and Al Boos, a representative of Bechtel Power Corporation. The purpose of this telephone conversation was to come to an agreement with Consumers Power Company over the necessity of installing the underpinning instrumentation under the Consumers Power Quality Assurance Program.

During this telephone call, Boos made statements to the effect that the instrumentation had already been installed and the Quality Assurance Program had not covered the already installed instrumentation. It was Consumers Power's position not to re-do any of the previously installed underpinning instrumentation if Consumers Power could demonstrate the reliability of the instrumentation through functional testing under Consumers Power's Quality Assurance Program.

Based upon Boos' statements that all instrumentation installation had been completed, Landsman and I agreed with Consumers Power that all previously installed instrumentation would not have to be re-done as long as the instrumentation passed functional testing conducted under their Quality Assurance Program.

Several days after the telephone call with Boos and Marguglio, Landsman and Ron Gardner, a Region III Electrical Inspector, went to the Midland plant. Landsman and Gardner found only four of the underpinning instrumentation cables had been pulled and none of the instruments had been

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installed. In a telephone conversation with Marguglio subsequent to Landsman's and Gardner's observations, I told Consumers Power to cease all underpinning instrumentation installations until such time as this activity was brought under their Quality Assurance Program. In a subsequent letter, Consumers Power informed Region III that all underpinning instrumentation installations would be done under the Quality Assurance Program.

The instrumentation Quality Assurance Program was discussed by Consumers Power at a meeting in the Region III office at the end of March 1982. During this meeting, Boos explained that he had been misled by his employees as to the completion status of the underpinning instrumentation. Boos also said he had not intended to mislead the Nuclear Regulatory Commission, rather a misunderstanding had occurred.

Boos said the misunderstanding was caused by the differences between Phase 1 and Phase 2 of the underpinning work. Phase 1 work was above a certain level and was not to be accomplished under the Quality Assurance Program. Phase 2 work was below that level and was to be done under Quality Assurance. Consumers Power considered the instrumentation installations be a part of the Phase 1 work; therefore, quality assurance was not necessary. It was pointed out to the representatives of Consumers Power the reason for the underpinning instrumentation was to monitor the settling of the Midland buildings and the monitoring instrumentation had to be installed before starting Phase 2, the work beneath the building foundations. Because the monitoring instrumentation had to be installed before the Phase 2 work, under the Quality Assurance Program, began the installation of the instrumentation was considered to be part of the Quality Assurance Program.

I must note that the terms "Phase 1" and "Phase 2" were not used at all during the mid-March telephone call with Boos and Marguglio.

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I have read the foregoing statement consisting of 2 pages. I have made any necessary corrections, and I have initialed those corrections. This statement is the truth to the best of my knowledge and belief. I declare under the penalty of perjury that the foregoing is true and correct. Executed on April 30, 1982 at 7:30 PM.
(Date) (Time)

Dwane C. Boyd
(Signature)

Dwane C. Boyd, US NRC Region III
Glen Ellyn, Illinois
(Address)

Subscribed and sworn to before me this 30th day of April, 1982 at Glen Ellyn, Illinois.

Charles H. Weil
Charles H. Weil, Investigator
US NRC, Glen Ellyn, Illinois

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