



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

JUL 18 1984

Carol M. Rice, Esquire
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

IN RESPONSE REFER
TO FOIA-84-96

Dear Ms. Rice:

This is in further response to your letters dated February 1 and March 15 in which you requested, pursuant to the Freedom of Information Act (FOIA), 16 categories of records regarding the Midland plant.

By letter dated May 17, this office provided a partial response to your request. Since that time, the three categories of records identified on Appendix A of that letter have been entered into NRC's computerized document control system and indexed. We are sending a copy of this index, which is entitled "Appendix A", to you under separate cover.

On May 22, this office sent to you copies of certain records, as identified on enclosed Appendix B, which were requested by James Goold and Michael Siebert during their visit to NRC headquarters to inspect records on May 14 and 15. At this time, we are forwarding under separate cover copies of the remaining records requested on May 14 and 15 by Messrs. Goold and Siebert, as noted on enclosed Appendix B.

On May 17, NRC's Region III office also provided to you a partial response letter, with an enclosed appendix which separately lists the records provided at that time. Subsequently, on June 19 and July 6, the Region III office provided to you additional boxes of records which were requested by you during inspection of Region III and resident inspector's offices records.

As soon as the records which are identified on enclosed Appendix B have been entered into the document control system and indexed, we will send a copy of the index to you.

Additional Region III and central files records are undergoing review. We anticipate responding with regard to these records in the near future.

Sincerely,

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: Appendix B

8408010061 840718
PDR FOIA
RICE84-96 PDR

APPENDIX BA. RECORDS MAILED ON MAY 22 FROM HEADQUARTERS.

1. Subject records identified by the Advisory Committee on Reactor Safeguards.
2. Records maintained by the Office of the Executive Legal Director related to a 1983 discovery by the Government Accountability Project.
3. Portions of contents of boxes of records maintained by Joseph Kane.

B. RECORDS MAILED ON JULY 18 FROM HEADQUARTERS.

1. Remaining records maintained by Joseph Kane which were requested by Messrs. Goold and Siebert during their May 14 and 15 visit to headquarters.
2. Records requested from Darl Hood's branch files during the May 14 and 15 visit to headquarters by Messrs. Goold and Siebert.

C. RECORDS MAILED ON JUNE 19 and JULY 6 FROM REGION III.

1. Three boxes of records.

KIRKLAND & ELLIS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Denver Office
1225 Seventeenth Street
Denver, Colorado 80202
303 291-3000

200 East Randolph Drive
Chicago, Illinois 60601
Telex 25-4361

312 861-2000

Washington Office
1776 K Street, N.W.
Washington, D.C. 20006
202 857-5000

To Call Writer Direct
312 861- 2185

February 1, 1984

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-96
Rec'd 2-8-84

FREEDOM OF INFORMATION ACT REQUEST

Mr. Joseph Felton
Office of Administration
Division of Rules and Records,
United States Nuclear Regulatory Commission
Washington, D.C. 20555

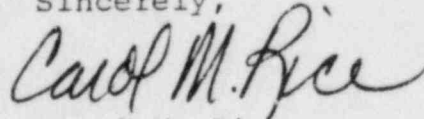
Dear Sir:

This is a request under the Freedom of Information Act,
as amended, 5 U.S.C. §552.

We request that you provide us with copies of all materials
in the possession of your offices that are responsive to the
attached list of requests concerning the Midland Nuclear Plant,
Dkt. Nos. 50-329 and 50-330. We are prepared to pay reasonable
costs for locating the requested materials and for reproducing
those materials. We request, however, that you telephone me
in advance and inform me of the approximate amount of these
costs.

If you have any questions concerning this request, please
call me. As provided by the Freedom of Information Act, we look
forward to your response to this request within ten working days
after receipt of this letter.

Sincerely,



Carol M. Rice

CMR/gr
enclosure

~~845260001~~

FREEDOM OF INFORMATION ACT REQUEST

(1) All documents prepared or used in connection with the "Nuclear Regulatory Commission Staff/Consumers Power Company Quality Assurance Stipulation" entered June 5, 1981, in the Consumers Power Company, Dkt. Nos. 50-329 & 330 OM&OL, including all documents relating to any communication with any representative of Consumers Power Company regarding the stipulation.

(2) All documents produced since January 1, 1979, to the NRC Staff, including staff counsel, by Consumers Power and/or Bechtel, in connection with discovery in Consumers Power Company, Dkt. No. 50-329 and 50-330.

(3) All documents prepared by or in connection with the NRC Region III Office of Special Cases and relating to any of the following subjects at the Midland Nuclear Plant, NRC Dkt. Nos. 50-329 and 50-330:

- (a) establishment of the Office of Special Cases, Midland section;
- (b) quality assurance and quality control;
- (c) Consumers Power management attitude;
- (d) project completion schedules;
- (e) remedial soils work;
- (f) HVAC deficiencies;
- (g) reactor vessel anchor stud failures;
- (h) piping hanger deficiencies;
- (i) electrical cable misinstallation.

(4) All documents prepared by or for the Advisory Committee on Reactor Safeguards relating to any of the following reports:

- (a) Report on Design and Construction Problems for Period from Start of Construction through June 30, 1982, Midland Nuclear Power Plant, Dkt. Nos. 50-329 and 50-330;
- (b) the fifty-four page report summarizing the history of the Midland Nuclear Plant referenced by R.B. Landsman in his testimony before the Atomic Safety and Licensing Board, Consumers Power Company, Dkt. Nos. 50-329 and 50-330 (April 29, 1983) (Transcript at 14941-42);
- (c) any similiar periodic report or summary concerning the Midland Nuclear Plant, Dkt. Nos. 50-329 and 50-330.

(5) All documents relating to quality assurance, project completion schedules, HVAC deficiencies, reactor vessel anchor stud failures, piping hanger deficiencies, and electrical cable misinstallation at the Midland Nuclear Plant, Dkt. Nos. 50-329 and 50-330, in the files of the following NRC staff:

- (a) J. Keppler
- (b) R. Warnick
- (c) W. Shafer
- (d) R. Landsman
- (e) R. Cook
- (f) R. Gardner
- (g) I. Yin
- (h) C.E. Norelius
- (i) R.L. Spessard

(6) All documents relating to soils problems, remedial soils work, including underpinning of existing structures or cracks in the diesel generator building, auxiliary building, turbine building and/or service water pump structure at the Midland Nuclear Plant, NRC Dkt. Nos. 50-329 and 50-330, including all documents in the files of the following NRC staff:

- (a) J. Keppler
- (b) J. Harrison
- (c) R. Warnick
- (d) R. Landsman
- (e) W. Shafer
- (f) R. Cook
- (g) J. Kane
- (h) E. Gallagher

(7) All documents prepared or obtained by any official or employee of the Nuclear Regulatory Commission in connection with the investigation, preparation and/or review of Reports No. 50-329/78-20 and No. 50-330/78-20, including all notes, memoranda and documents from the files of G.A. Phillip, E.G. Gallagher, and G.F. Maxwell relating to these reports.

(8) All documents prepared or obtained by any official or employee of the Nuclear Regulatory Commission in connection with the investigation, preparation, and/or review of Reports No. 50-329/82-22 and No. 50-330/78-20, including all documents relating to the December, 1982, shut down of safety related work at the Midland Nuclear Plant, and any communication with any representative of Consumers Power Company regarding that shut down, NRC Dkt. Nos. 50-329 and 50-330.

(9) All documents prepared or obtained by any official or employee of the Nuclear Regulatory Commission since January 1, 1982, relating to conditions under which safety related work would be permitted to continue at the Midland Nuclear Plant, Dkt. Nos. 50-329 and 50-330, including:

- (a) all documents prepared by Consumers Power Company concerning its Construction Completion Program;
- (b) all documents evaluating the Consumers Power Company's Construction Completion Program;
- (c) all documents regarding the actual or potential need for reinspection of safety related work at the Midland Nuclear Plant;
- (d) all documents regarding the actual or potential need for independent third party review of design and construction at the Midland Nuclear Plant.

(10) All documents prepared or obtained by any official or employee of the Nuclear Regulatory Commission in connection with the investigation, preparation and/or review of the Systematic Assessment of Licensee Performance Reports on the Midland Nuclear Plant, NRC Dkt. Nos. 50-329 and 50-330 and Consumers Power Company's responses to those reports.

(11) All documents prepared or used by C.E. Norelius and R.L. Spessard in connection with the investigation and preparation of their June 21, 1982, memorandum to J.G. Keppler entitled Suggested Changes for the Midland Project, NRC Dkt. Nos. 50-329 and 50-330.

(12) All documents prepared or used by R.J. Cook in connection with the investigation and preparation of his July 23, 1982, memorandum to R.F. Warnick entitled Indicators of Questionable

Licensee Performance -- Midland Site, NRC Dkt. Nos. 50-329 and 50-330.

(13) All weekly or other periodic reports submitted since January 1, 1983, by Stone & Webster with respect to soils problems, remedial soils work, including underpinning of existing structures and cracks in the diesel generator building, auxiliary building, turbine building and/or service water pump structure at the Midland Nuclear Plant, NRC Dkt. Nos. 50-329 and 50-330.

(14) All documents prepared since September 1, 1983, reporting, evaluating, or referring to cracks in the diesel generator building, auxiliary building and/or the service water pump structure at the Midland Nuclear Plant, Dkt. Nos. 50-329 and 50-330 and any failure by Consumers Power Company to report such cracks.

KIRKLAND & ELLIS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Recd 3/19/84

Denver Office
1225 Seventeenth Street
Denver, Colorado 80202
303 291-3000

200 East Randolph Drive
Chicago, Illinois 60601
Telex 25-4361
312 861-2000

Washington Office
1776 K Street, N.W.
Washington, D.C. 20006
202 857-5000

To Call Writer Direct
312 861- 2185

March 15, 1984

Ms. Linda Robinson
Office of Administration
Division of Rules and Records
United States Nuclear Regulatory
Commission
Washington, D.C. 20555

*FOIA-84-96
Clarification of scope
of request and 2
additional categories*

Re: FOIA - 84-96

Dear Linda:

This letter summarizes the decisions made in our conference call of March 14, 1984, and clarifies our FOIA request of February 1, 1984.

We agreed to the following:

- Item 1 — We will defer our request until we review the materials under FOIA - 82-477.
- Item 2 — You will contact William Paton to determine if there are documents other than those in the Public Document Room ("PDR").
- Items 3, — The staff members will review their
5, 6 files for all documents that are not in the PDR. Each staff member will decide whether he wishes to search his files or have us review his files. Mr. Kane and Mr. Gallagher stated that they would prefer us to review their materials.
- Item 4 — The staff will determine if there are documents other than those in the PDR.

~~SA 5260443~~

KIRKLAND & ELLIS

Ms. Linda Robinson
March 15, 1984
Page 2

- Item 7 — You stated that Mr. Gallagher has retained only one box of Midland materials which we may review. You also informed us that Mr. Maxwell did not retain any materials other than the inspection report and that Mr. Phillip has retired.
- Item 8 — We will defer our request until we review the materials under the prior FOIA on these issues.
- Item 9 — The staff will look for documents responsive to item 9(a) other than correspondence between the NRC and Consumers Power Company. In addition, the staff will look for all documents responsive to items 9(b)-(d).
- Item 10 — The staff will search for documents relating to the second and third SALP reports. We will review the prior FOIA materials on SALP I.
- Items 11— and 12 — The staff will search for documents responsive to these requests.
- Item 13 — Withdrawn
- Item 14 — We will defer our request insofar as it relates to documents internal to the NRC until we review documents in the PDR and the NRC reformulates its position on this subject.

In addition, we made two supplemental requests which you asked us to confirm in this letter. The requests are:

- (1) All documents relating to the actual or potential need for a management audit of Consumers Power Company, including but not limited to the NRC's consideration and decision to require such an audit, and

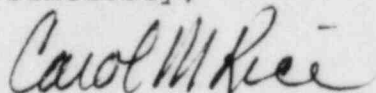
KIRKLAND & ELLIS

Ms. Linda Robinson
March 15, 1984
Page 3

- (2) All documents provided to or prepared in connection with any briefing of the NRC Commissioners relating to the Midland Nuclear Plant and all documents, including memoranda and notes, prepared by any of the Commissioners.

You said that you would respond to us on March 16, 1984. We look forward to that response.

Sincerely,



Carol M. Rice

CMR:ck