

Barbara Stamiris Request 4.(b).

1/6/83  
lot 2  
J. Kane

To: Midland File

Subject: Response to Region III Inquiries (R. Landsman) on Midland  
(Discussed between J. Kane & R. Landsman on 1/6/83)

1. Does GES agree that excavation for deep "G" duct bank & freewall pit no. 4 may be backfilled with compacted clay backfill?

Background information

- a. See Drwgs. # M-2, Sheet No. 1, Rev. 5 (6-10-82)  
# M-2, Sheet No. 2, Rev. 3 (9-30-82)

For location see  
Jan 6 '83 submittal by  
CPC on Freewall  
Figs 1 & 2 Fig 3

- b. Presently the pit has been excavated to approx. El. 585 as shown on Sheet No. 2, Elevation views - North, East, South & West & Section (C). Because freewall could not be installed due to deep duct bank location, CPC proposed to replace freewall in IMMEDIATE foundation area of duct bank (fdn. soils believed to be permeable sands) by excavating the sands and replacing with impervious clay backfill (to be placed in 3'-4" lifts & compacted to 95% Modified compaction effort). The freewall would continue on either side of the pit excavation that measures approximately 12' long (West Elev.) and 3' wide (North Elev.) and approximately 9' deep below duct bank. Below El. 585, the impervious clay fill is located

GES Response - Because area extent is not large and because controlled compacted fill is to be placed, J. Kane indicated agreement to permit backfilling the excavation with Region III (R. Landsman). Differential settlement is not considered to be a significant problem.

- The conditions @ other freewall pits (#1, #2, #3) were not discussed and any previous changes indicated by CPC at these locations need to be explained before GES can conclude on the acceptability of these proposed changes.

1/6/83  
2 of 2

2. Does GES have review comments on "Technical Specification for Static Cone Penetrometer Tests" which was forwarded by R. Landsman.

GES Response - Five comments (noted on front page of Tech Spec) were given and discussed with Ross Landsman.



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

*John Kane*

November 29, 1983

Charles Bechhoefer, Esq.  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. Jerry Harbour  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

In the Matter of  
CONSUMERS POWER COMPANY  
(Midland Plant, Units 1 and 2)  
Docket Nos. 50-329 OM & OL and 50-330 OM & OL

Dear Administrative Judges:

Pursuant to the Licensing Board's request of November 9, 1983 (Tr. 22,387-88), I have enclosed a copy of the concurrence copy of Dr. Landsman's memorandum to W. D. Shafer, dated August 24, 1982 (Attachment 2, Staff Exhibit 26). As the concurrence copy shows, the document was prepared at least as early as August 17, 1982. The Staff suggests that the concurrence copy be marked for identification as Staff Exhibit 31. At the next evidentiary hearing session, the Staff will be prepared to move this document into evidence so it will become part of the record as suggested by the Board (Tr. 22,388).

I have enclosed an affidavit prepared by Dr. Landsman which sets forth his understanding of the circumstances surrounding the date his memorandum was prepared.

Sincerely,

*Donald F. Hassell*  
Donald F. Hassell  
Counsel for NRC Staff

Enclosures:  
As stated

cc: See page 2

~~8312458820~~ 7m

cc: w/enclosures

Frank J. Kelley  
Ms. Mary Sinclair  
Ronald G. Zamarin, Esq.  
James E. Brunner, Esq.  
James R. Kates  
Wayne Hearn  
Myron M. Cherry  
T. J. Creswell  
Steve J. Gadler  
Frederick C. Williams  
Lynne Bernabei  
Docketing and Service Section

Steward H. Freeman  
Michael I. Miller, Esq.  
Alan S. Farnell, Esq.  
Ms. Barbara Stamiris  
Wendell H. Marshall  
Paul C. Rau  
Peter Flynn  
Atomic Safety and Licensing Board  
Atomic Safety and Licensing  
Appeal Board Panel  
Samuel A. Haubold, Esq.  
Howard A. Levin



AUG 24 1982

MEMORANDUM FOR: W. D. Shafer, Chief, Midland Section

FROM: R. E. Landsman, Soil Specialist

SUBJECT: VIOLATION OF ASLE ORDER OF APRIL 30, 1982

When Darl Hood and Joe Kane were in Midland for an ACRS hearing, I asked for a meeting to be held on site between NRR, Bechtel, the licensee and myself. The meeting took place on a Thursday afternoon in the Remedial Soils Trailer (May 20, 1982). The purpose of the meeting was to discuss numerous concerns that I had about ongoing work and future work.

One of the concerns discussed was a monitoring pit for what has come to be known as the deep "Q" duct bank. During that meeting both NRR and I expressed our concerns that what the licensee was planning was not approved, that is: to excavate below the duct bank. NRR only approved an excavation down to a duct bank approximately 22 feet deep. This is documented in an NRC Tedesco to Cook letter dated February 12, 1982, which references a CPCo Mooney to Denton letter dated January 6, 1982.

Since the licensee usually does not know what is in the ground or where it is, as usual the 22 foot duct bank was found at approximately 35 feet. It also was not in the right location as evidenced by the monitoring pit sheet piling hitting one side of the duct. In addition, while drilling a nearby dewatering well, they inadvertently drilled into the duct bank, emptying the well drilling fluid into the turbine building through the duct.

I had no problem with the licensee taking the excavation pit down to 35 feet instead of the approved 22 feet, since the methodology of the approved excavation remained the same. NRR and I did have a problem with the licensee wanting to excavate below the duct bank to impervious clay in order to seal off the water flow, without first informing NRR of their plans and obtaining their prior approval.

All of the above was discussed during the meeting. The licensee was informed that they could not excavate below the deep "Q" duct bank. The licensee indicated that they would submit something formal to NRR for approval.

~~8342484312~~ 7/88

AUG 24 1982

The following day, I warned them during the normal exit meeting and again during the summary at the end of that meeting that they did not have prior NRR approval. I asked if everyone understood what I was saying and they acknowledged.

The following week, during my inspection to allow the licensee to activate the freeze-wall, I warned them again that they could not dig below the deep "Q" duct bank because they did not have prior NRR approval.

Subsequently, after the activation of the freeze-wall, the licensee apparently decided that they had to seal off the water flow beneath the duct bank and proceeded to dig below the duct bank without NRR approval. I'm not sure when excavation began, but I was on site July 28 when I discovered the excavation in progress. The licensee, when informed of my concern, issued a Stop Work Order on July 29, 1982. I wondered why they were so agreeable until I found out that they already had the excavation down to where they wanted it (the clay).

I informed the licensee during my exit on July 30, 1982 that they were in direct violation of the Board Order and their Construction Permit. To make matters worse, the licensee during the exit, said that they discussed this with Messrs. Hood and Kane in Ann Arbor earlier that morning and had received "Approval concerning the technical adequacy" for what they were doing. I informed the licensee that they missed the point (basis of concern). My concern dealt not with the technical adequacy of what they were doing, but rather with their ASLB order requirement to notify and receive prior staff approval before proceeding below the duct bank. Subsequently, Mr. Kane indicated to me that they never even talked to him about this. Mr. Hood indicated that they talked to him about something concerning the deep "Q" duct bank, but he in no way had given approval.

Subsequent to my leaving the site, the licensee began what I consider to be another unapproved excavation in "Q" soils. This excavation, which involves the relocation of a fire line was discovered on August 4, 1982, during my next inspection. This excavation is along side the service water pump structure. I have not had time to look into this matter to better define the details, but as pointed out to you and Darl Hood, they have undermined a duct bank, an unidentified pipe thrust block, and appear to be along side a safety-related duct bank.

*Ross Landsman for*  
Ross Landsman,  
Soils Specialist

cc: R. F. Warnick

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
CONSUMERS POWER COMPANY ) Docket Nos. 50-329 OM & OL  
 ) 50-330 OM & OL  
(Midland Plant, Units 1 and 2) )

AFFIDAVIT OF DR. ROSS B. LANDSMAN

I, Dr. Ross Landsman, being duly sworn, state as follows:

1. I am employed by the U. S. Nuclear Regulatory Commission as a Reactor Inspector for Region III. The dating of my memorandum to Mr. Shafer of August 24, 1982 was a clerical error which occurred in the Region III office. I wrote my memorandum in draft for an internal NRC staff meeting which took place on August 9, 1982. The memorandum served as the basis for the enforcement/management meeting between the NRC and Consumers Power Company that was held on August 11, 1982.

2. I hereby certify that this information is true and correct to the best of my knowledge.

Ross B. Landsman  
Dr. Ross B. Landsman

Subscribed and sworn to before me  
this 28 day of November 1982

Marcia Smith  
Notary Public

My commission expires: 2/86