



Consumers
Power
Company

James W Cook

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Vice President - Projects, Engineering
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September 26, 1983

Mr Richard C DeYoung, Director
Office of Inspection and Enforcement
US Nuclear Regulatory Commission
Washington, DC 20555

MIDLAND NUCLEAR PLANT UNITS 1 AND 2
DOCKET NOS 50-239, 50-330
RESPONSE TO EA83-03
FILE: 0.4.2 SERIAL: 25914

This letter responds to your letter to Consumers Power Company dated August 29, 1983, reciting the conclusion of the Office of Inspection and Enforcement regarding the imposition of a civil penalty for violations found during Inspection 83-23. The Company was notified of these violations in a letter dated February 8, 1983. The Company's response, dated March 10, 1983, admitted that a civil penalty was warranted but asked that the penalty be reduced because of the prompt, thorough corrective actions undertaken in response to the violations. While the Company is disappointed that the Commission has not granted our request for mitigation of the penalty, we nevertheless agree to pay in full the penalty as set forth in your August 29, 1983 letter. Accordingly, please find herewith a check in the amount of \$116,500.

James W. Cook

CC: RJCook, USNRC
✓ JGKeppler, USNRC
OL/OM Service List

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SEP 29 1983

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

August 3, 1983

Docket Nos: 50-329
 and 50-330

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MEMORANDUM FOR: James G. Keppler, Regional Administrator,
 Region III

FROM: Darrell G. Eisenhut, Director
 Division of Licensing, NRR

SUBJECT: NRR COMMENTS ON MIDLAND CONSTRUCTION
 COMPLETION PLAN

In response to your memorandum of June 23, 1983, Enclosure 1 provides NRR's comments on the Midland Construction Completion Program (CCP) submittal of June 10, 1983.

We understand that NRR and I&E comments will be combined with any Region III comments since March 28, 1983, and an NRC package of comments will be issued to CCo. This will be followed by a public meeting which will be held prior to final NRC approval. CCo will also be required to update the CCP to reflect NRC comments prior to final NRC approval.

We have reviewed I&E's comments provided to R. Warnick on July 8, 1983, and consider them to be appropriate. In fact, two NRR comments in Enclosure 1 (Comments 10 and 12) correspond to similar comments made by I&E.

We have also reviewed the Stone & Webster documents dated April 1, April 11, and May 19, 1983, for Stone & Webster's acceptability as a third party overseer of the CCP. We conclude that Stone & Webster is appropriately independent and qualified. Earlier concerns about the qualifications of two individuals on the Stone & Webster team have been resolved through the provision of missing pages from one of the submittals.

Should you have questions regarding Enclosure 1, contact Licensing Branch No. 4.

Darrell G. Eisenhut
 Darrell G. Eisenhut, Director
 Division of Licensing
 Office of Nuclear Reactor Regulation

Enclosure:
 As stated

AUG 8 1983

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NRR Comments on Construction Completion Program
(J. W. Cook letter to J. Keppler dated June 10, 1983)

(1) Page 2 & 35

Page 2 of CCP notes that "safety-related systems and areas of the plant will be systematically reviewed." CPCo should define or identify what it means by safety-related systems.

The brief discussion on the top of page 35 identifies a "separate organization" to carry out a spatial systems interaction (SSI) review, and notes that the SSI represents the Project response to the generic licensing issue of "important to safety" that is being handled outside of the CCP with NRC/NRR. CPCo should provide a clear definition of systems "important to safety", but not safety-related, and a description of the process they (CPCo) used to decide that systems "important to safety" can be excluded from the CCP.

(2) Page 4 - Last paragraph

This section notes that CPCo intends to schedule periodic reviews of Program status and progress with the NRC. Such meetings should be noticed and members of the public and interested parties should be provided the opportunity to attend as observers.

(3) Page 4 & 34

The scope of the CCP is not clear. The statement in the first paragraph of the Executive Summary appears to conflict with the penultimate paragraph on page 4 and the Description Section 9.3 on page 34. The relationship of the Quality Verification Program to the CCP is also not clear, although it appears to be part of it.

(4) Page 17 - Second paragraph

Who will determine the need and extent for reinspection of the past work of an inspector failing any part of the recertification process? What criteria are used for these decisions? What information is provided to RIII to justify the decision?

(5) Page 21 - Section 4.3.2.b.

Although not quantified, it would appear that a significant portion of the CCP will be involved with verification of acceptability of inaccessible attributes. This is predominately a paper work review, but "if required" will be supplemented by NDE techniques and destructive examination. Define "if required". In view of past documentation problems and the extent of inaccessible items, the CCP should include some NDE of inaccessible items on a sampling basis.

NRR further suggests that RIII consider auditing/supplementing the Applicant's NDE conclusions with its own findings based on use of the NRC's NDE mobile van.

(6) Page 28 - Section 5.3.2

The composition of "site management", "Project management", and "management team" should be defined if not already done elsewhere.

(7) Page 32 - First paragraph

Because we do not have access to the protocol for communications used on the soils remedial activities, we are unable to comment on the appropriateness of using that protocol in dealing with the CIO team.

(8) Page 32 - Third paragraph

Will the overview of site construction activities include systems excluded from the CCP?

(9) Page 32 - Fourth paragraph

Justification should be provided for the size of the S&W staff for the CIO outlined in their April 1, 1983, letter to J. Cook. What criteria were used, and by whom, to establish the proposed number of S&W personnel? What restrictions and lead times would exist in the event S&W should identify the need to increase its staffing levels?

(10) Qualifications of CIO Overviewers

We recommend that provisions be made for the NRC to review the experience records of all personnel added to the S&W Team in the future.

(11) Page 34 - Section 9.3.1

Item 1 under Section 9.3 excludes NSSS installation by B&W as part of the CCP. Staff acceptance of this exclusion has been noted in the hearing to depend upon results of a future NRC audit of B&W work areas. Staff acceptance of this item should be acknowledged to be conditional. In the interim, the basis for CPCo's decision should be provided for NRC review.

(12) Page 35 - First paragraph and Page 32 - Third paragraph

The spatial systems interaction (SSI) is proposed to be overviewed by the CIO reviewer, S&W. As indicated at an April 13, 1983, meeting, the staff understands TERA will audit portions of the Systems Interactions activities applicable to three systems. On page 32, CPCo states that the CIO will not include an overview of other third party evaluations being conducted. CPCo should clarify to what extent the CIO effort will address the three systems in the TERA scope. They should further verify whether or not TERA will audit those portions of the SSI review applicable to the three systems under the TERA scope.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

August 10, 1983

MEMORANDUM FOR: R. F. Warnick, Director, Office of Special Cases
FROM: R. J. Cook, Senior Resident Inspector, Midland Site
SUBJECT: MONTHLY STATUS REPORT

Attached is the status report for the Midland Nuclear Construction Site covering the period of June 1, 1983, through June 30, 1983.

The delays incurred in submitting this report are due to the workload imposed on the Midland Inspection Site Team as a result of attending to hearings, SALP preparation and meeting, and Construction Completion Plan (CCP) and associated procedural reviews.

The status report contains the input from each member of the Midland Inspection Site Team of the Office of Special Cases.

A handwritten signature in cursive script that reads "R. J. Cook".

R. J. Cook
Senior Resident Inspector
Midland Site Resident Office

cc/attachments
J. J. Harrison
R. B. Landsman
R. N. Gardner
B. L. Burgess

~~8318220263~~

SUMMARY OF SIGNIFICANT MIDLAND ISSUES

1. Heating, ventilation, and Air Conditioning (HVAC)

Based on an inspection performed by the Senior Resident Inspector, Region III (Chicago) has authorized Consumers Power Company to resume safety related welding work on the heating, ventilating, and air conditioning (HVAC) systems. The inspection involved a review of new procedures, observations of welding performance demonstrations, and results of destructive examinations of welded samples. Subsequent to the authorization on June 29, 1983, approximately 15 welders were qualified utilizing the new procedures. This number is expected to increase as the Zack Company trains and qualifies additional welders.

The HVAC work was first halted by Region III on November 30, 1982. Subsequently, the Zack Company has revised procedures for training, welding, and testing, and has obtained new welding machines.

2. Remedial Soils Work Authorization

The following remedial soils work activities were authorized by Region III during the report period using the NRC approved work authorization procedure:

- a. Drift and install bulkheads from Piers 8E and 8W north to containment walls.
- b. Excavate for and install steel support columns next to containments.
- c. Excavate and remove mudslabs for grillage beams between piers 8E and 8W and containments.
- d. Install and load grillage structures.
- e. Install remaining ejector wells and piezometers for service water pump structure (SWPS) area.

3. Significant Meetings

- a. On June 6, 1983, NRC Commissioner V. Gilinsky and members of his staff, accompanied by a member of Congressman M. Udall's staff and Midland Hearing Intervenors, toured the Midland Site. Subsequent to the tour, an afternoon meeting was held between the various tour groups with the addition of the Mayor of the city of Midland.
- b. The Regional Administrator, Region III, supported by members of the Midland Inspection Site Team, met with the commissioners to present Midland soils and quality assurance issues on June 15, 1983.

- c. Commissioner Gilinsky, the Region III Regional Administrator, and three members of the Midland Inspection Site Team testified before the House of Representatives Committee on Interior and Insular Affairs, Subcommittee on Energy and Environment on June 16, 1983, pertaining to issues associated with construction of the Midland Nuclear Plant.
- d. Members of the Midland Inspection Site Team and a Project Manager of NRR presented testimony with respect to quality assurance issues before the Board during the June 1-3, 1983, ASLB Hearings.

On June 8-10, 1983, three members of the Midland Inspection Site Team and a member of the Office of Investigations presented testimony before the Board in the Midland ASLB Hearing in regard to potential material false statements provided by the licensee.