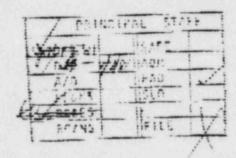


OFFICE OF THE COMMISSION H

UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON D.C. 20055

December 24. 1980

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- MEMO 10: Samuel J. Chilk Secretary Thomas R. Gibbon
- FROM:

legal Assistant to Commissioner Bradford

SUBJECT: PUSSIBLE EX PARTE CONTACT IN MIDLAND PROCEFUING, INCKET # 50-3290M AND # 50-3300M

On July 30. 1980. I had extensive discussions with James 6. Reppler. Divector of Region III, and other Region III personnel on general NRC enforcement issues. During the course of these general discussions, wh couched briefly upon the Midland case. I have recently reviewed my notes of these conversations and have now realized that the Midland conversation could be considered an ex parte contact. Accordingly, 1 request that pursuant to 10 CFR 2.780, you serve a copy of this memo and the attached summary of discussion upon all the parties in the Midland proceeding and also place these documents in the PDR. With regard to the summary of the discussion, Mr. Keppler notes that while there are some technical inaccuracies, the substance of the discussion is portroyed correctly.

## Attachment: As stated

cc: James G. Keppler

Reppler also stated that the Conmissioners mended to express in one form or another the philosophy that once scrething is lound " Wrung at the construction site, construction will stop in that ares until the item was resolved. Be gave the example of Hidland where IGE found that the diesel generator building had settled excessively. They also found that there was no Q/A program of any substance related to the basic foundation of the site. He sold there really wasn't a Q/A program in this area. In response to this, the NRC issued an order which said that this should be remedied or work would be stopped in so days. The company requested a hearing and, therefore, stayed the erder. Midland is continuing work today which will make resolution of the settlement problem much more difficult. Repples said that the staff had not yet made up their minds on whether the fix proposed by Midland in acceptable. Therefore, the project continues to be built and the problem gets worse. He wanted the work stopped until the problem is solved.