

James Keppler  
RLL -

5795 N. River Road  
Freeland, MI 48623  
May 29, 1982

PRINCIPAL STAFF	
✓ 8/6-14-82	✓
by 6/21	✓
1 copy ✓	6/16
✓	
✓	
DEPOS	

RETURN TO KNOOP

Chairman Okrent  
Members ACRS

Dear Chairman Okrent:

Re: Midland Plant

I am unable to attend the ACRS meetings in Washington this week, but I wish to submit the following statement regarding statements made at the May 20, 21st ACRS meeting in Midland, Michigan.

Upon reviewing the Quality Assurance and outstanding soils issues in preparing this statement, I am struck by the illogic and basic unfairness of dealing with operator's license issues while such major questions as the soils issues remain unresolved.

The ASLB hearing the soils case for the past year has not even heard the vast majority of the technical issues dealing with the soils remedial fixes, let alone offer their decision in this case. The one major area which has been covered in the hearing, quality assurance, is now about to be reopened as Mr. Keppler reconsiders his previous testimony on QA adequacy in the wake of the recent SALP report.

In light of these facts, and considering Consumer's pattern of continuing inability or unwillingness to properly execute the sensitive soils work at hand, I urge this board to withhold any decisions leading toward the operators license until all the facts are in and the ASLB has had an opportunity to complete its soil settlement decision.

Consumer's 1984 Dow steam contract deadline and Congressional pressures such as "the Bevill dates" for NRC licensing review have played a substantial role in bringing the operator's license review to this committee at this time. But Consumer's pressing licensing needs cannot be placed above the more important health and safety questions which must be resolved first.

This committee's efforts to ascertain the underlying criteria on which the NRC has based their safety review, as pursued at the May 20 and 21st meeting are essential to the protection of public health and safety. The NRC's failure to demand rigorous adherence to objective criteria as seen in Quality Assurance, if repeated in technical areas, cannot provide assurance of a safe nuclear plant.

The NRC summary of quality assurance issues amounted to a whitewash of a seriously deficient QA history as documented in public records. From the QA review

8502090562 840517  
PDR FOIA  
RICE84-96

PDR

JUN 8 1982

Chairman Okrent  
Page 2  
May 29, 1982

presented May 20th, the ACRS could not begin to understand or critique QA adequacy. I fear that the technical review summaries are similarly flawed, leaving the ACRS without the necessary data base for their assessment of NRC regulation. The ACRS is to audit and evaluate the NRC review, but is relying on the NRC's own presentations of the facts--or those of the applicant, rather than objective sources.

I hope this committee is able to overcome the obvious shortcomings of this system, and somehow achieve an objective and critical analysis of this nuclear plant. The public deserves no less. Thank you for your consideration of these important matters.

Sincerely,

*Barbara Stamiris*

Barbara Stamiris

INTERVENOR RESPONSE TO NRC QUALITY  
ASSURANCE ASSESSMENT AT 5/20/82 ACRS MEETING

At the May 20, 1982 ACRS meeting on Midland, and in the SER, the NRC has concluded that Consumer's QA program has been and will be acceptable. I wish to document the public criticism I made of that assessment.

The QA history of this plant reveals major QA problems in virtually every construction area undertaken. Consumer's 54Fq.23 response lists the major construction activities prior to 1977 as "soils, rebar and embeds, concrete cadwelding, structural steel erection and liner plate erection." The NRC's October, 1979, Chronological Listing of Major Events identifies problems in rebar and embeds in 1975-76, concrete and cadwelding in 1970 and 1974 (ALAB 106, LBP 74-71), and in tenden sheath omissions and liner plate bulge in 1977, and containment post tensioning errors in 1979. Since that time, electrical and piping have been the major construction areas in addition to soils remedial work. The NRC's recent 1980-81 SALP evaluation rates these three areas negatively today.

As early as 1972, the ALAB 106 Board found that "neither the applicant nor the architect-engineer has provided reasonable assurance that the QA program will be implemented properly." Suspension of the construction permits was considered then, and again in 1974 as a result of QA deficiencies. Yet the NRC and Consumer's have repeatedly defended inadequacies, cited improvements, and given "heir reasonable assurance to licensing boards that proper QA would ensue in the future.

Most recently a "reasonable assurance" conclusion was given by the NRC prior to the commencement of the soil settlement hearing intended to decide that very question. It was based on the May 1981 team inspection and served as a condition for a stipulation agreement between the NRC and Consumers that the soils QA break-

down would not be litigated. As a result of the stipulation, the NRC drew a line between their consideration of pre and post December 6, 1979 QA problems, as an NRC witness admitted (p. 3869). I found that QA problems occurring after December 6, 1979, were minimized, defended, or overlooked by the NRC, while previous problems were addressed straightforwardly in the soil settlement hearing.

During the May 1981 team inspection, NRC inspectors actually had copies of the proposed QA Stipulation with them during the inspection. The May 81-12 inspection served as the basis for Mr. Keppler's reasonable assurance judgement and the subsequent QA Stipulation. This inspection and personal visit by Mr. Keppler, at the March 13, 1981, invitation of Consumer's James Cook represented Consumer's best QA effort. It is a significant inspection because, stripped of its summary judgements and conclusory statements, it reveals surprisingly inadequate construction and QA implementation on the part of Consumer's. Noncompliances and deviations were identified in eight of the eighteen areas inspected, particularly in the ongoing construction areas of soils, electrical, and piping, and an I.A.L. was issued.

The body of the May 81-12 inspection findings, as well as the two negative SALP reports for 1980 and 1981, contravene the NRC's prepared testimony of QA adequacy for that same time period. Yet even if we were to accept the NRC's June 1981 position that "as a result of revisions, improved implementation, and other factors . . . (there is) reasonable assurance that QA and QC will be appropriately implemented with respect to future soils construction activities, including remedial actions," we once again have the passage of time to prove this assurance wrong.

For as the most recent I&E reports (82-05 & 82-06) document, the soils remedial work has not been properly implemented. QA deviations, and misleading information in the remedial work have led to a consideration of escalated enforcement. And Director Keppler is currently reconsidering his QA testimony in light of these events . . .

Yet in presenting the NRC assessment of QA to the ACRS the NRC minimized Midland's poor QA history saying "following each major problem period the licensee has been responsive." Mr. Little of Region III went on to define the NRC criteria for judging the QA program adequate as being that the licensee identifies his problems. However, the records of audits and inspections reveal that once problems are identified, adequate corrective or preventative actions do not follow.

Mr. Little said that when the NRC conducted its follow-up soil settlement investigations in December 1980, that the licensee had met its soils commitments, aside from some minor FSAR review and documentation problems. This statement overlooks and avoids the reality of Consumer's inadequate soil settlement responses.

Specifically the December follow-up inspection, 80-32, indicates that 40% of Consumer's soil settlement commitments from questions 1 & 23 "either have not been completed by CP Co. or the action taken was considered insufficient." The 80-32 FSAR re-review problems were extensive, and particularly significant because Consumer's own audits had revealed the problems several months earlier, but failed to correct them. The problems with relaxations of procedures or failure to follow approved procedures were paralleled to the original FSAR review problems which are cited in the December 6th order. Yet only at NRC insistence were proper procedures implemented in what was termed the re-re-review. The 80-32 inspection resulted in three noncompliances involving inadequate design control, one involving inadequate corrective actions (the same criteria cited in the December 6 order), and numerous unresolved items.

The second soils follow-up inspection, 81-01, involving onsite implementation of soils commitments resulted in four noncompliances and a deviation. Again the significance of these soils problems comes from their remarkable similarity to the original soils errors of 1975-78, and also from the fact that once again they represented a continuation of problems which Consumer's own audit findings had identified six months earlier.

Six CPC audit findings (M-01-11-0-01 to 06) of July 1980 involved soils testing errors in: (1) relative density; (2) test elevations; (3) inadequate inspections; (4) "Q" placement of soils; (5) equipment verifications; and (6) inadequate geotechnical review. Consumer's considered, but did not initiate a soils stop-work at this time (3167-70). And the soils testing errors of January 1981 (81-01) which were taking place under the direction of an unqualified geotechnical engineer, contrary to their NRC commitment, indicate that corrective actions again did not follow the earlier identification of the problems.

Regarding this series of July 1980 audit findings, I believe the NRC was remiss in not considering them in their post-December 6, 1979 testimony, despite the fact that I had personally presented these findings informally to NRC members in January 1981 and thereafter. In cross examining witnesses about the apparant contradictions between these audit findings and their testimony that soils problems were resolved in 1980, the significant similiarity of these problems to past problems was denied (p. 2590).

The May 81-12 inspection revealed similar audit deficiencies and failures to correct identified problems as indicated in the noncompliances cited. Also NRC inspectors identified five unresolved items regarding dewatering well plans (the only ongoing soils work) and found soils QA to be inadequately staffed (a repeat of the 81-01 deviation). As noted in the April 82 SALP report, "every inspection involving regional based inspectors and addressing soils settlement issues has resulted in at least one significant item of noncompliance" despite the tremendous attention focused on soils.

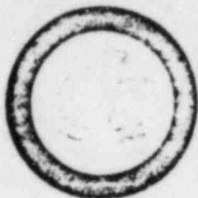
In other statements before the ACRS, the NRC has credited Consumer's with undertaking a voluntary soils work-stop during the course of the hearing, since legally the soils prohibitions of the December 6 order were not binding. However, the evidentiary record of the soils hearing, and the ASLB April 30, 1982 memorandum (p. 13), confirms that certain soils work continued beyond this agreement without NRC concurrence.

The NRC also granted specific concurrence for portions of the soils remedial work, which would have been prohibited by the December 6 order. In fact, the initial NRC testimony of the hearing (July 5, 1981) was a complete reversal of the licensing board's question and concern regarding the impact of ongoing soils work. At the January 1981 prehearing conference, the board asked if there was any soils work that needed to be stopped at the outset of the hearing because it threatened the soils problem remediation. The NRC "re-interpreted" this question to be: Was there any soils work which needed to go forward because it threatened Consumer's construction schedule needs. The NRC answered this new question affirmatively and proceeded to grant concurrence for 12 permanent dewatering wells on those grounds.

The overwhelming preponderance of evidence represented in CPC and NRC reports for 1980 and 1981 indicates that despite the programmatic QA improvements, actual QA improvements, actual QA implementation has remained sorely deficient.

The Midland QA organization does not provide the required independence from cost/schedule responsibility because Vice-president James Cook retains ultimate authority for the Midland project in both areas (p. 2054). This issue of QA cost/schedule independence was criticized in Midland's ALAB 147 decision of September 18, 1973 yet is openly repeated in 1980-82.

This summary of recent events just begins to tell the story of QA inadequacy and NRC lenience at the Midland plant. The extent of design and construction deficiencies which has resulted at Midland over the years tends to be overshadowed by the predominant soil settlement problems, but is just as serious.



Consumers  
Power  
Company

James W Cook  
Vice President - Projects, Engineering  
and Construction

General Offices: 1945 West Parnall Road, Jackson, MI 49201 • (517) 788-0453

June 25, 1982

Harold R Denton, Director  
Office of Nuclear Reactor Regulation  
Division of Licensing  
US Nuclear Regulatory Commission  
Washington, DC 20555

MIDLAND PROJECT  
MIDLAND DOCKET NO 50-329, 50-330  
AMENDMENT NO 105  
FILE: 0485.11, 0485.16 SERIAL: 17916

Enclosed herewith is Amendment 105 (Revision 13 to the Responses to NRC Requests Regarding Plant Fill) to the Company's Application for Construction Permits and Operating Licenses containing three (3) signed originals and sixty (60) copies of the following:

1. Addition of a new Appendix D formed, in part, from existing information previously published in either the Midland FSAR, the 50.54 (f) Responses to NRC Requests Regarding Plant Fill, or attached to separate correspondence.
2. Addition of a new Appendix D formed, in part, by new information not previously published, such as, well logs, boring logs and sample extrusion logs, and grain size distribution graphs.

Proof of service upon the parties listed in the Service List is being provided under separate cover.

JWC/RLT/mkh

CC RJCook, Midland Resident Inspector, w/o

~~007070028~~

oc0682-0134a100



CONSUMERS POWER COMPANY  
APPLICATION FOR  
REACTOR CONSTRUCTION PERMIT AND OPERATING LICENSE

DOCKET NO 50-329  
DOCKET NO 50-330  
AMENDMENT NO 105

Enclosed herewith, revising and supplementing the above-entitled application, are revised and new pages for incorporation in the Responses to NRC Requests Regarding Plant Fill. The Responses to NRC Requests Regarding Plant Fill was referenced by Amendment 72 to the above dockets on December 19, 1979. The enclosed material consists of the following:

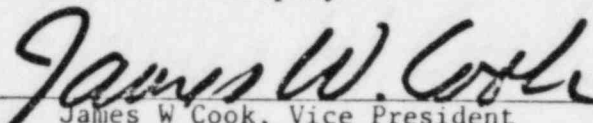
1. Addition of a new Appendix D formed, in part, from the following existing information previously published in either the Midland FSAR, the 50.54 (f) Responses to NRC Requests Regarding Plant Fill, or attached to separate correspondence:
  - a. Boring logs
  - b. Laboratory test results
  - c. Geophysical survey report and results of crosshole seismic tests
  - d. Test pit laboratory data and plate load test data
  - e. Diesel generator building piezometer plots
  - f. Report on test fill program
  - g. Selected laboratory data evaluation reports
  - h. Observation well and pumping well construction summaries.
2. Addition of a new Appendix D formed, in part, from the following information not previously forwarded to the NRC:
  - a. Well logs
  - b. Boring logs and sample extrusion logs
  - c. Grain size distribution graphs

These new and revised pages bear the notation "Revision 13, 6/82" and are marked in the margin to indicate where changes or new material is submitted. Additional pages and figures have been added as reflected on the revised "List of Effective Pages."


Consumers Power Company

Dated June 25, 1982

By

  
James W Cook, Vice President

Sworn and subscribed to before me on this 25 day of June 1982.

  
Notary Public, Jackson County, Michigan  
My Commission Expires September 8, 1984