

U.S. NUCLEAR REGULATORY COMMISSION

In the matter of
C.P.Co. Midland Plant
Units 1 & 2

Docket Nos. 50-329 OM OL
50-370 OM OL

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

INTERVENOR RESPONSE TO C.P.CO. 1/19/81 DISCOVERY REPLY
FOR NOTICE OF THE BOARD
1/26/81

In the interest of moving forward with substantive issues, I will hereby set forth my objections to Consumer's reply informally. I have also included clarifying and follow up questions to my 12/4/80 request.

(Instructions and definitions as stated in 12/4/80 request)

PERTAINING TO DOCUMENT REQUESTS

1. Response is satisfactory.

2. Response is incomplete.

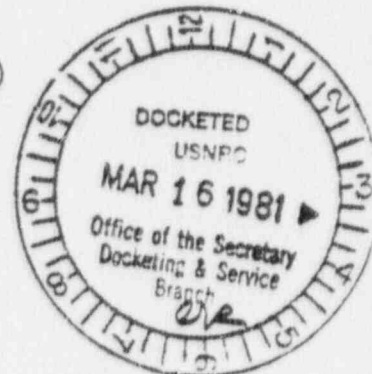
a) What are the most recent estimates for total soil settlement costs

(including various completion schedule paths) assuming current remediation proposals are acceptable?

b) Please explain these estimates, breaking them down into their component parts.

c) What are the most recent estimates for total soil settlement costs if Removal and Replacement after Preloading (Option 3) (50-54f#21) were now necessary?

d) Will any portion of these soil settlement costs be included in requests before the Michigan Public Service Commission as a part of construction costs or costs to be ultimately included in the ratebase?



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e) If the answer to d) is yes, please describe and explain such anticipated requests.

3. Response is incomplete and documents provided do not respond to the intent of the request.

I requested documentation of "all discussions concerning and leading up to C. P. Co.'s decision to appeal the MRC requests for additional hearings," not of the appeal itself, once the final decision had been made.

The meeting summaries and notes provided did not cover these preliminary analysis as requested.

I would consider any meeting notes or other communications on the subject of additional hearings during July and August 1980 to be relevant to my request and discoverable (according to the parenthetical discussion at the end of item 2 page 6 of the October 24, 1980 Prehearing Conference Order). ^{and in support of my} ^{accepted} ^{contention 2c}
I would ask that any objections to producing such documents be specifically stated and explained.

4. Response is incomplete.

I requested documentation of "any discussions or considerations of possible lawsuits involving soil settlement matters".

One document was provided. Please state and explain the privilege or objection by which further document requests are here refused.

5. Response is satisfactory that no such documents exist.

I requested documentation of "all options ever considered (whether formal or informal, tentative or complete) for correction of the Administration Building settlement".

a) Why are there no records or documents concerning correction of Administration Building settlement (including the chosen option)?

b) On what basis was the decision to remove and replace the faulty fill under the Administration Building made?

- c) Who made this (5b) decision?
- d) When was this (5b) decision made?
- e) Describe and explain any alternative corrective actions ever considered and rejected for the Administration Building, if such considerations were made.

PERTAINING TO INTERROGATORIES

I am acting on the understanding that responses to discovery requests are to be researched with the intent of finding answers, if they exist to questions posed. I do not consider to be adequate an individual response made "to the best of our present knowledge, recollection, and belief" which makes no attempt to review the period in question, or include the responses of persons involved.

1. Response to 1a is satisfactory.

Request 1b asks "Who makes the final decisions on which actions are taken or will be taken? In sentence 2 define the phrase "depending on its importance" more precisely. Similarly define the phrase "in the case of decisions of lesser importance" in the last sentence. What criteria define "importance" warranting management review in each instance?

c) Were any decisions of the Bechtel Project Engineer on soil settlement matters later modified by Bechtel or Consumer's Project Management Review? Please describe and explain any such decisions and modifications.

2. Response is incomplete and does not respond to the question asked.

Request 2a asks "Did your consultants ever differ in their recommendations on soil settlement matters (including tentative stages)?"

I am particularly interested in differing opinions of consultants Peck and Hendron in tentative stages or "minor differences of opinion" to use your words.

- a) Did you communicate with consultants Peck Hendren or Gould asking their input in response to this question as your answer implies?

Please provide documentation of any such requests, giving the date of the request.

- b) What is the working relationship of consultants Peck, Hendren, and Gould?

- c) Did consultants Peck and Hendren ever differ in recommendations or

approaches to actions concerning the Electrical Ducts, Turbine Building, removal of prelead, use of gratings; grouting of gaps; the mud mat foundation; or any other actions concerning the effects of the prelead or other remedial actions?

- d) If the previous answer is yes, what were these differences, and how were they resolved? (Original request 2a)

3. Response is incomplete and does not respond to the parenthetical qualifications of the request.

Request 3a asks "What, if any, original recommendations of consultants (whether formal or informal, tentative or complete) were later changed or not followed?

- a) In responding, please address, but do not limit your response to, the following items: 1) Timing of cooling pond filling in relation to placement of prelead

2) Breaking up of mud mat

3) Grouting of gaps between footings and mud mat (D.G. Building)

4) Use of gratings (D.G. Building)

5) Cutting of condensate line

6) Turbine Building stresses

7) Berings in cooling pond dike area

- b) (as in original request) Explain the reasons for such changes or departures (excepting change from grouting to permanent dewatering).

- c) (as in original request) What was the decision making process for each of such changes or departures?