

RELATED CORRESPONDENCE



U.S. NUCLEAR REGULATORY COMMISSION

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

Docket Nos. 50-329
50-330
OM & OL

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

4/28/81

SUMMARY OF INTERVENOR OUTSTANDING DISCOVERY REQUESTS

Document Requests and Interrogatories of
12/4/80 REQUEST, REVISED 1/26/81

DOCUMENT REQUESTS: UNANSWERED

2. What are the most recent estimates for total soil settlement costs...? Applicant's 2/27/81 reply stated Bechtel was developing "additional cost and schedule projections." I have received additional schedule projections only. I want the most recent total cost projections, including estimates for Borated WST and Service Water Building revisions when they are ready.

4. I requested documentation of "discussions or considerations concerning possible lawsuits involving soil settlement matters" on 12/4/80. On 3/23/81 I accepted the claim of attorney client privilege for the one document cited in Applicants 2/27/81 response, beyond the one provided. Questions 4a,b,c of 3/23/81 require

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simply a yes or no answer to confirm or deny the existence of the documents described. Part d requests identification of documents objected to here.

5. I requested documents regarding the Administration Building settlement and did receive such documents. In our March compromise conversations, (regarding interrogatories 2 and 3) Mr. Brunner indicated that he had given me the whole file on the Administration Bldg. and thought I would find answers to my own questions therein. I did not, and filed the 3/23/81 motion to compel 5b-5e, which answers are still outstanding.

INTERROGATORIES: FOLLOW UP

2. and 3. These questions regarding consultant differences, and changes to consultant recommendations, respectively, were answered according to our 3/81 compromise conversations on March 30.

The following questions represent my first opportunity to ask any follow up or clarifying questions to these answers, combined in Applicants March 30 Response.

1. Who made up the decision making Bechtel/CPCo "task group" as it functioned in 1978?
2. On what basis were these individuals appointed?
3. Describe in detail the "management review" process.
4. How has this group and its management review changed or evolved since 1978 (regarding members, function or other changes)?

5. Were all decisions of the task group subject to this management review? If not, describe who determined which decisions were so reviewed and on what basis.

6. Who were the management individuals involved in this review in 1978-79, and at the present time?

FOLLOW UP QUESTIONS TO 1/14/81 REQUEST
1ST ANSWERED BY APPLICANT 3/30/81
(numbers correspond to original request)

4. Were any attempts made to measure settlement or stress at the Administration Building between the Sept. 1977 remediation and the Sept. 1978 settlement monitoring program?

5. The reports provided were numbered SB 13752- SB 13956 although not in that sequence and with many pages missing. It appears that these Bechtel reports stemming from the Administration Building settlement problem have to do with plant area fill soils and as such are important to this proceeding. Please provide these file pages: SB 13770, 13771, 13790-13794, 13816, 13817, 13818, 13820-13854, 13867-13912, 13920-13953, 13955 and any beyond SB 13956 in this series on soils.

Please provide all studies, reports, information, or test results initiated in 1977 or 1978 relating to plant area soils which have not already been presented to the NRC as 55e or 54f reports, or requests. Do such documents exist that you consider not related to this proceeding?

6. When specifically were the Bechtel specifications and drawings issued which established the foundation data survey program for the DGB? Were other settlement monitoring programs established or revised in 1977. If yes, when? Did these relate in any way to studies following the Administration Building settlement?

7. Were there any scribe marks or benchmarks for DGB foundation prior to May 1978? Describe and give dates of such.

8. In the Sept. 28, 1978 meeting notes, tab 1 Vol.3 50-54f, item 3b. mentions the excavation at the Administration Building. Was the reason for this excavation explained or discussed with Dr. Peck at this meeting? If so relate the details of this disclosure.

9. According to Mr. Gallagher, this information is not correct.

10. In seeking these documents, I hoped to find out on what basis the original dewatering plan was eliminated. This is related to a matter in controversy as set forth in discovery provision 2.740(1). Documents concerning the basis for this elimination decision should be provided.

11. No questions.

12. The response does not answer the question asked. The Sept. 28, 1978 meeting, tab 1 Vol.3 50-54f, item 4 states "no long term records of ground water are available for the Midland site." Are there not requirements for such information established by the NRC or the Applicant?, which demand that groundwater levels be known? What are these requirements?

13. What work was done between Dec. 6, 1979 and the end of Apr. 1980 on the DBB or its foundation? Please discuss any excavations however minor, sealing of cracks, or other work related directly or indirectly to soil or soil settlement. Give the dates of such work and whether or not the NRC was notified. Provide the communication to the ASLB regarding temporary dewatering. Describe the location and the work mentioned regarding curbs and grade slabs. (I incorrectly remembered the date of the voluntary stopwork announcement when asking for work since April. If there are additions to the information provided for the post April time frame in view of the above requests, please provide such additions.)

16. Provide the names and addresses of CA or OC personnel, or management who have terminated their employment with CPCo. or Bechtel in 1980-81. Give job titles.

FURTHER OUTSTANDING REQUESTS:
THE 3/27/81 DISCOVERY REQUEST (OBJECTED TO 4/16/81, ANSWERED 4/23/81)
AND

QUESTIONS ON CONSULTANT RECOMMENDATIONS & COMMUNICATIONS OF C.J.D.
(These questions are not related to answers given, but had my 12/4/80 requests been answered sooner, I believe I would have come up with these questions within a few weeks of such answer. I realize they are beyond the scope of the March compromise agreements, and therefore seek to ask them only with the Board's approval.)

1. The Oct. 18, 1978 meeting notes (tab 5 Vol. 3 50-54f) item 10 states " Installation would need to be manned by Bechtel due to current GZD work load? a) What were the qualifications and experience of the Bechtel personnel involved? b) Did SRI approve Bechtel's installation plan and work? c) What was the reason (according to CJ Dunciff) that he sent the SRI CA manual for Marshall to "acknowledge or return"? (Nov. 1, 1978 CJD memo, tab 10 Vol. 3 54f) d) What were Bechtel's decisions on settlement gages as discussed in items 6 and 7 in 11/1 memo? e) Why didn't Bechtel await SRI personnel accomplishment of installation work? f) Were these and other instrumentation and installation decisions made and reviewed by the "task group" process described in the previous question 2? g) When were the two piezometers installed, discussed in item 8 of the Nov. 6, 1978 (tab 10 Vol. 3 54f)? Give dates of any earlier CJD instrumentation installed. h) What was the dollar amount of equipment ordered from SRI or its suppliers prior to Nov. 7, 1978?

April 28, 1981

Dear Judge Bechhoefer and Consumers Attorneys,

This document contains no new requests, but brings together my previous outstanding discovery requests in an attempt to facilitate the review necessary. As such this document supercedes the 4/23/81 FOLLOW UP REQUESTS presented at the Prehearing Conference April 27th.

I believe a major disagreement between myself and the Applicant concerns the relevance of the Administration Building settlement problem to this proceeding. Although it is not a Category I structure, "It is supported by plant area fill material compacted and tested to the same requirements as material supporting safety-related structures and therefore pertinent to the current settlements being experienced by the DGB." as stated in NRC I&E Report 78-20.

Applicants 4/22/81 objection to my 3/23/81 motion to compel answers 5b-5e on the Administration Building, states that the relevance of the Administration Building to these proceedings is limited to my contention 3c. which states that the Administration Building "should have served as a quality indicator, preventing the same inadequate procedures from occurring in the 1978 construction of the DGB..."

Although, as I stated in my 3/20/81 answer to Applicants (3m,3n) interrogatories, I now realize that the fill soils were placed in the same time frame for the Administration Bldg. and the DGB, and that the first pour for the DGB took place in Oct. 1977; I maintain that its settlement "should have served as a quality indicator" preventing the DGB settlement problems.

It is precisely this point that I am attempting to further establish in my interrogatories and document requests relating to the Administration Building. I believe that there may be a great deal of information relating to plant area fill soils which is relevant to this proceeding which has not come out because the Applicant considers the Administration Building problem irrelevant to this proceeding, as it is not a Category I structure. My studies of the documents produced have raised many unanswered questions and led me to believe there are more documents on plant area soils regarding studies and information, which arose from the Administration Building problem, that could be crucial to this proceeding.

For these reasons, I consider my document requests on this subject (#5 of 1/14/81 Follow Up Requests) as essential to my position and this proceeding as a whole. Further part 2.740(b)1, on the scope of discovery clearly permits seeking information "reasonably calculated to lead to the discovery of admissible

evidence." Although this request may involve a large number of documents, there should not be an undue burden placed on the Applicant as there should be no redaction involved.

Sincerely,

Barbara Stamiris

copies sent:

Judge Bechhoefer, ASLB
Dr. F. Cowan, ASLB
Admin. Judge R. Decker, ASLB
Wm. Paton, Esq., NRC
J. Brunner, Esq., CPCo
Secretary, NRC