

United States Senate

WASHINGTON, D.C. 20510

June 22, 1982

Nunzio J. Palladino, Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Chairman Palladino:

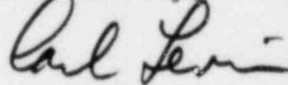
I received the attached letter from a citizen who lives in Midland, Michigan and is an intervenor in the licensing proceedings of the nuclear plants there.

Her letter raises some important questions concerning the rights of intervenors and the authority of both the Nuclear Regulatory Commission and the Advisory Committee on Reactor Safeguards. I would appreciate your providing me with information defining the rights of intervenors during the licensing proceedings, including their rights to participate in the activities of the Advisory Committee on Reactor Safeguards.

Could you also provide me with information outlining the authority of the ACRS to assure that it has access to all sources of information and technical advice and advisors that it deems necessary. As you are probably aware, during the ACRS's recent meeting in Midland, there was confusion concerning the Committee's ability to request that outside consultants join the Committee's tour of the facilities involved in licensing procedures.

I would appreciate it if you could arrange to get the information to me by July 5, 1982. Thank you very much.

Sincerely,



Carl Levin

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enc.

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5711 Summerset Drive
Midland, MI 48640
May 24, 1982

U.S. Senator Carl Levin
2113 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Levin:

The Advisory Committee on Reactor Safeguards (ACRS) met in Midland on May 20-21 for a final safety review of the Midland nuclear plants. That meeting involved those of us who are citizen participants in the Midland nuclear plant licensing proceedings in an extraordinarily abusive and vicious challenge to our legal rights in the case by Consumers Power Co.

As you know, we were finally able to get an exceptionally qualified consultant, Dr. Charles Anderson, who has expertise not only in structural engineering, but also in soils and foundation engineering and seismic analysis. This is an important combination of skills for assessing the soil settlement problems at the Midland site and the severe adverse affect on safety related buildings that has occurred at that site.

Dr. Anderson's decision to become our consultant touched off an amazing reaction on the part of Consumers Power Co.

When we placed what we believed to be a courtesy call to Consumers Power Co. to notify them that our consultant would be coming, we were told by their lawyer, James Brunner, that Consumers management would not allow him on the construction site.

We considered this quite shocking and called the ACRS office in Washington and our licensing board chairman, Charles Bechhoefer who was in California, for assistance. Both said they had no jurisdiction in the matter.

Several citizens here then called your office, as well as Congressman Albosta's and Senator Riegle's office for assistance in getting Dr. Anderson permission to visit the site. Your office took a great deal of interest. Congressman Albosta's office believed that our legal rights as participants should settle the matter.

We also called Billie Garde of the Government Accountability Project to give us assistance since she had also helped us in locating our consultant, Dr. Anderson.

Since the ACRS review of a nuclear plant at the operating license stage is an integral part of the licensing procedure and we are parties to that action, we believe our rights have been violated.

When Dr. Anderson arrived at 12:30 p.m. on Wednesday, he found it quite unbelievable that he was not going to be permitted on site since he has been in building dispute litigations for 20 years and has not had this happen before. A site visit is fundamental if he is to do his work. (This is his first experience with a nuclear power plant problem.) He asked me to drive him out to the site directly so that he could personally explain to the people in charge the nature of his work. He believed that they might understand that.

However, at the plant site, Don Miller, manager of the site, came out to tell us J. W. Cook, Vice-President of Consumers Power Co. had ordered him not to allow Dr. Anderson on site.

After a great deal more phoning on the part of many people, we were finally notified at 3:30 p.m. on that day that Consumers Power Co. had reconsidered and that Dr. Anderson could go on site.

Barbara Stamiris, another citizen participant in the hearings, accompanied Dr. Anderson to the site. They arrived about 4:30 p.m. and decided to take 2 hours on site since it was so late in the day. They used those 2 hours for inspecting primarily the Diesel Generator Building (DGB), the service water building and turbine building.

The tour guides were reluctant to allow Dr. Anderson to see the insides of these buildings but he did manage to get inside and found that the cracks came all the way through the sides of the DGB.

The following day, Thursday (May 20) he made a presentation of his findings to the ACRS.

In the afternoon, Dr. Anderson decided to ask Dr. David Okrent, Chairman of the ACRS, to allow him to accompany the ACRS on their tour of the site. Dr. Anderson believed this was the best way to clarify for the Committee what he had discussed in his report in the morning and to respond to some of Consumers Power Co. questions about whether he had assessed the roof of the DGB properly. Dr. Okrent said the decision was not his to make, but he added he wanted it understood that Dr. Anderson's presence would in no way hamper the work of the Committee and he had no objections to his coming along.

Mr. James W. Cook became extremely angry at Dr. Anderson's request and said that we were harassing him and that his staff could only handle the ACRS questions. Dr. Anderson said he would not ask any questions.

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Senator Carl Levin
May 24, 1982

Mr. Cook remained adamant that Dr. Anderson could not come along on the ACRS tour, but he did say that he could go on site again on Friday morning.

We put out a press release on all these extraordinary events that afternoon.

That evening I attempted to follow up Mr. Cook's offer to allow Dr. Anderson on site on Friday morning. But he angrily refused unless we retracted the press release. He also said he had tried to "accommodate" us in giving permission for even a brief site inspection. I said we would not retract anything and that Consumers Power Co. could not define our rights in a licensing proceeding or decide the conditions under which they could be exercised.

This part of the licensing review is essential before Consumers Power Co. can place these plants in the ratebase. Yet, the first independent consultant that we have been able to find to examine the site to find out what we would be asked to pay for was denied access and very rudely treated.

Dr. Anderson put out a brief summary of these events and his findings. A copy is enclosed. They have been given to the members of the ACRS sub-committee.

I would like to have you ask NRC Chairman Nunzio Palladino to define our rights in this licensing procedure for ourselves and for Consumers Power Co.

I believe that Dr. Anderson should be allowed to come back to Midland and make a complete inspection and that Consumers Power Co. should pay for it since they obstructed his attempts to visit the site when we flew him here.

The ACRS record should be kept open until all of Dr. Anderson's findings are completed.

This attempt to get an independent review of a nuclear plant site is in line with a bill you recently introduced that would require this. I believe this is an opportunity to provide an example of the usefulness of this kind of action to insure public safety.

Many thanks for your assistance in this matter.

Yours sincerely,

Mary Sinclair
Mary Sinclair

Dr. Charles M. Anderson.
cc: Dr. David Okrent, ACRS
Congressman Don Albosta, Senator Don Riegle
J. W. Cook, CPC; Billie Garde, Government Accountability Project
PSC Commissioners, Schneidewind, E. Anderson, and M. McLogan
Attorney General Frank Kelley

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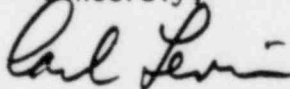
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