



Consumers
Power
Company

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May 18, 1983



Mrs Barbara Stamiris
5975 North River Road, Rte, #3
Freeland, MI 48623

Dear Ms Stamiris:

This is in response to your letter of May 10, 1983. On reading your letter, I conclude that there remain a few areas of disagreement between us. I will state my position in this letter. Should you wish to pursue the matter further, I will schedule a conference call with the Hearing Board. I am also sending a copy of this letter and your May 10, 1983 letter to the Board to assist them in understanding the controversy in the event of a call.'

Areas of Disagreement

1. Documents Related to the CCP (Your Letter, Page 1)

You indicated in your letter, at Page 1, that you "received many documents on the CCP", but still are lacking certain documents. I have stated previously that, in our view, documents pertaining to the development of the CCP have been supplied. It appears that the dispute centers around whether meetings held in August and September 1982 with the NRC Staff relate to the "Construction Completion Program."

The particular request at issue covers documents relating to the Construction Completion Program (including internal meeting notes or meeting summaries, including notes of meetings with the NRC) Tr. p. 14181. This request was interpreted by me, by those gathering the documents and by Mr Don Miller, one of the principal architects of the CCP, as encompassing those meetings or deliberations, within CP Co or with the NRC Staff, embracing the CCP. As indicated in documents already supplied to you, the CCP took shape mostly in November-December 1982. While the meetings with the NRC in August and September had a loose relationship to the CCP, the meetings were held in response to specific NRC concerns voiced at that time. The CCP was not an item of discussion. Indeed, the CCP, as a proposal, did not exist.

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To suggest that meeting minutes from the August-September meeting relate to the CCP stretches the plain meaning of the term "CCP." In the same sense, meetings held on the D/G Building inspection, the subject of a different discovery request you made, relate to the CCP. Also, documents on the independent audits, also a separate discovery request, relate to the CCP since they are an element of it. If your request as initially envisioned had the breadth now ascribed to it, why were those other requests necessary? All of this suggests to me that your discovery request has been expanded.

2. Documents Relating to the QIP (Your Letter, Page 3)

The particular request at issue here is "all documents which include answers as to when, how, by whom, and for what purpose the QIP was instituted and implemented" (March 22, 1983 letter, Fred Williams to Barbara Stamiris and Mary Sinclair, Pages 2-3).

In response, we provided over five volumes of material, occupying over 100 pages. Apparently, you now request documents containing the "measurements" of QIP objectives. I interpret this revised request as covering the charts, graphs, and other indicia of performance generated by the QIP. This is clearly an expansion of your previous discovery request. Also, since the expansion is apparently based on information contained in the Company's September 17, 1982 letter to James Keppler, a copy of which was sent to you in September 1982, the documents could have been requested earlier. I have stated previously on the record that the report-documents generated under the QIP are not a part of the formal QA program required by Appendix B, to Part 50, thus, this information would have limited weight in any event.

3. A Requested Interrogatory Response on the IPIN Task Force (Your Letter, Page 4, Item 3)

Discovery relating to the IPIN Task Force has been considered and ruled upon by the Board. Absent a Board Order, I will not entertain further requests on the subject.

4. Documents Relating to Containment Cracks (Your Letter, Page 4, Paragraph 8)

On Page 4 in Paragraph 8 you asked for documents pertaining to containment cracks referred to in Inspection 83-01. You admit that your request, as initially presented, identified the references as from the D/G Building inspection. As a result, our response covered the containment chipping item in the DGB inspection. In responding to the original version of your request, a paralegal made a separate trip to the Midland site, engineers searched their files, and other review time was expended. A number of documents were turned over. Although I recognize that you are not an attorney, I believe that you have some responsibility for the accuracy of references, especially when my client must incur the expense of your error. Under the above circumstances, I believe that it would be a disservice to my client to accept a modified version of this request.

5. Audit Reports from 1982 or 1983 (Your Letter, Page 5)

You requested audit reports from 1982 or 1983 not included in the packages previously submitted to the Board and the parties. As you may have observed, my office receives copies of all MPQAD audit reports, which are periodically sent to the Board and parties. I plan to make such a submittal during the last week in May, which would cover audit reports received by my office as of that time. My records indicate that the first such submittal was made on July 26, 1982, in response to a Hearing Board request. I will absolutely and steadfastly object to requiring MPQAD to search out all audit reports of 1982 prior to my first submission. This is clearly a totally new discovery request.

Related Subjects not in Dispute

1. At Page 2 of your letter, middle of page, you request "documents relating to the recent selection of Stone & Webster (S&W) to conduct the CIO." I will provide a copy of the recently issued CIO specification. This document apparently was generated during the time we were responding to your last request, and is in any event in the Public Document Room, but will nevertheless be provided. Your letter also asked for documents relating to the selection of S&W for the CIO. In my opinion, this clearly goes beyond your previous discovery request, (see Tr. p. 14184) but in the interests of cooperation I will ask the paralegals to once again search the files of Messrs. Cook and Miller for these additional documents. I doubt that there will be many such documents, if any at all.

2. Your letter Page 2 - Bottom (Relating to INPO Evaluation)

No such documents have been found thus far. I have asked the paralegals to do some additional searching. In the event relevant documents are located, I will forward them to you in the mail as soon as possible thereafter.

3. At Page 4, Paragraph 5 of Your Letter

The only documents relating to the NRC's investigation or any in-house investigations of the alleged Order violations are my notes, described Tr. p. 14197. You agreed on the record that these documents are privileged.

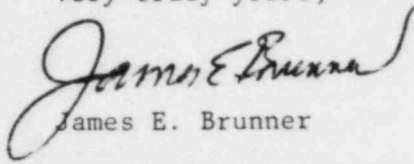
4. At Page 4, Paragraph 6, of Your Letter

You have received our documents on this subject as attachment to the NRC's investigation report. The only documents relating to an in-house investigation are my personal notes of the NRC's investigation, described Tr. p. 14198 et. seq., for which a privilege has been claimed and upheld. Additionally, there is a memo generated last week by a paralegal working under orders from me in preparation for the hearing. I claim attorney

client and work product privilege on this document. I am sending you a few additional documents obtained last week from Bechtel by this paralegal.

Thank you for your cooperation.

Very truly yours,


James E. Brunner

cc OL List

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May 10, 1983

Dear Mr. Brunner,

In an attempt to resolve outstanding discovery requests, I will review the understandings as set forth in Mr. Williams March 22, 1983 letter and at the April 1, 1983 hearing.

March 22, 1983 letter

1. Documents related to the CCP

Although I received many documents on the CCP, I did not receive documents from the early working meetings or communications with the NRC on this subject, as set forth in items 3 and 4 on page two of the March 22 letter.

I had specifically noted my interest in the earliest formulations and initial stages leading up to the CCP at our March 9, 1983 meeting, and it was this point I sought to clarify by item 3 seeking "drafts ... of the CCP as it developed prior to Dec 2, 1982."

During the recent evidentiary hearing I became aware of meetings on Aug 17, 1982, Aug 26, 1982, and Sept 2, 1982 between CPC and the NRC on the QA plan which came to be the CCP. Please provide all meeting notes or other documents related to these and other preparations for the CCP as set forth in CPCs Sept 17, 1982 letters submitting their QA plans.

2

I am lacking all INPC/CPC interface documents leading up to the CCP. I also lack internal CCP documents leading up to the CCP. Please provide all documents from the Aug. 1982 through Dec. 9, 1982 time frame as my discovery request intends.

2. Documents Related to Independent Audit Review

I received the majority of my Independent Audit Review requests. I did not receive the NAC contract for the INPC review, and believe it falls within the scope of our proprietary agreement as the other (S+W & TERA) contracts did.

I would also request the documents as set forth in the middle of page 2 related to CPC's recent selection of Stone & Webster to conduct the CIO overview as discussed in the CPC April 6, 1983 letter. Has CPC gone ahead with this S+W review expansion during the week of April 13th (or since then) - as proposed in the April 6, 1983 letter "unless instructed otherwise" by the NRC? If so include the requested information about this portion of their review, and any contractual arrangements made for this work.

As set forth at the bottom of the March 22 letter, my request for INPC documents was for "all preliminary internal reports or documents presented to CPC in connection with the INPC review". Yet the earliest INPC document I received was a Jan. 21, 1983

draft of CPC responses to a draft INPO construction evaluation report. The Sept 17, 1982 (18850) letter indicates that INPO would be "initiated immediately" so please provide all documents generated "in connection with the INPO review" as requested. The time frame should be from Sept 17, 1982 to Jan 21, 1983 and "all documents" should include meeting notes, correspondence, preliminary or draft findings or reports or any other INPO related documents. (I did not receive the draft report to which CPC responded.)

3. Documents Related to Q.I.P.

The documents requested regarding the Q.I.P. have been provided with a few exceptions. As discussed in the Sept 17, 1982 (18845) letter, "measurements specific to soils" were to be developed as a part of the QIP, and their tracking was to provide "an indication of the effectiveness of the (QIP) program." Also the QIP was to provide "feedback from all individuals involved." Please provide all documents on these measurements, effectiveness assessments, and individual feedback instituted as a part of the QIP program in soils.

April 1, 1983 Hearing Requests

1. My requests for IPINs, IRs, DRs, and attachment 10 forms, as modified at the 4-1-83 hearing have been answered except attachment 10 forms provided related to piping only. Were these attachment 10 forms used site-wide? If so please provide those from soils in 1982-83.

2. Documents on this procedure have been provided.
- 10 3. Please provide an interrogatory type answer to the questions posed on the IPIN task force, instead of the documents withheld in accordance with the Board's order.
4. The requested audits have been provided.
5. The requested documents have been provided regarding the excavation permit system. Are there any documents responding to or regarding the NRC's investigation of these issues, or any ORE investigations?
6. I have not found documents related to the Boe's issues and any investigations thereof.
7. Documents on the FIVP have been provided.
8. I mistakenly referenced the containment cracks issue as arising from the OGB inspection, when these actually were cited in the NRC report 83-01. Please provide these documents and interrogatory answers.

This concludes my summary of outstanding discovery requests. I hope we can attain a timely resolution of these issues through our continued efforts.

One other request I wish to make is for Audit MOI-21-2, for which only the cover page (attached) was provided. Please provide this and any other audit reports from 1982 and 1983 which were not included in the NCR-audit report packages provided for the Board and parties at the Boards request.

Please respond as soon as possible.
Thank you for your attention to these requests.

Sincerely,

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