

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'83 APR 11 P1:50

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OF SECRETARY
OF ENERGY
BRANCH

In the Matter of:)	Docket Nos. 50-329 OM
)	50-330 OM
CONSUMERS POWER COMPANY)	Docket Nos. 50-329 OL
(Midland Plant, Units 1 & 2))	50-330 OL

CONSUMERS POWER COMPANY'S
APPLICATION FOR DEPOSITION SUBPOENAS

Consumers Power Company ("Consumers Power"), pursuant to 10 C.F.R. §§2.720(a) and 2.740a(a), applies to the Atomic Safety and Licensing Board (the "Board") to issue the attached deposition subpoenas to Sharon L. Mareello, Charles Grant, III, and Mark Cioni, commanding them to appear for depositions at the times and places indicated. In support of its Application, Consumers states:

1. Sharon L. Mareello, Charles Grant, III, and Mark Cioni were formerly employed by Zack Company in various positions performing quality control/quality assurance functions.

2. Each of these persons submitted Affidavits to investigators of the Government Accountability Project ("GAP"). In these affidavits, each of these persons made allegations of problems and failures in the quality control/quality assurance procedures and practices at Zack Company.

8304120591 830408
PDR ADDCK 05000329
Q PDR

DS03

3. Sinclair Contentions 8, 10, 11, 15, 16 and 17 all allege that, in various ways, the quality control/quality assurance program for the Midland plant was not in compliance with NRC regulations because of the allegedly improper and deficient quality control/quality assurance practices and procedures of Zack Company. The affidavits provided to GAP were submitted to both the NRC Staff and the Board in support of these Contentions.


4. The allegations contained in these affidavits and the information upon which the allegations are based are clearly relevant to the proceedings now before the Board.

5. Without the ability to depose the affiants and examine any documents relied upon by them, Consumers will be unable to address these contentions.

6. Appropriate fees, in accordance with 10 C.F.R. §2.740a(1), will be tendered to each witness and service accomplished in accordance with 10 C.F.R. §2.720(c). The deposition sites have been selected in reasonable proximity to the witnesses' residences.

WHEREFORE, Consumers Power Company respectfully requests that its Application be granted and that the attached deposition subpoenas be issued.

CONSUMERS POWER COMPANY

By 
One of its Attorneys

David M. Stahl, Esq.
Susan D. Proctor, Esq.
ISHAM, LINCOLN & BEALE
Three First National Plaza
Suite 5200
Chicago, Illinois 60602
(312) 558-7500


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	Docket Nos. 50-329 OM
)	50-330 OM
CONSUMERS POWER COMPANY)	Docket Nos. 50-329 OL
(Midland Plant, Units 1 & 2))	50-330 OL

CERTIFICATE OF SERVICE

I, Susan D. Proctor, one of the attorneys for Consumers Power Company, hereby certify that a copy of Consumers Power Company's Application For Deposition Subpoenas was served upon all persons shown in the attached service list by deposit in the United States mail, first class, this 8th day of April, 1983.



ISHAM, LINCOLN & BEALE
Three First National Plaza
Suite 5200
Chicago, Illinois 60602
(312) 558-7500

SERVICE LIST

Frank J. Kelley, Esq.
Attorney General of the
State of Michigan
Carole Steinberg, Esq.
Assistant Attorney General
Environmental Protection Div.
720 Law Building
Lansing, Michigan 48913

Cherry & Flynn
Suite 3700
3 First National Plaza
Chicago, Illinois 60602

Mr. Wendell H. Marshall
4625 S. Saginaw Road
Midland, Michigan 48640

Charles Bechhoefer, Esq.
Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Dr. Frederick P. Cowan
6152 N. Verde Trail
Apt. B-125
Boca Raton, Florida 33433

James E. Brunner, Esq.
Consumers Power Company
212 West Michigan Avenue
Jackson, Michigan 49201

Mr. D. F. Judd
Babcock & Wilcox
P. O. Box 1260
Lynchburg, Virginia 24505

Barbara Stamiris
5795 North River Road
Route 3
Freeland, Michigan 48623

Steve Gadler
2120 Carter Avenue
St. Paul, Minnesota 55108

Atomic Safety & Licensing
Appeal Panel
U. S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Mr. C. R. Stephens
Chief, Docketing & Services
U.S. Nuclear Regulatory Comm.
Office of the Secretary
Washington, D.C. 20555

Ms. Mary Sinclair
5711 Sunnyside Street
Midland, Michigan 48640

William D. Paton, Esq.
Counsel for the NRC Staff
U.S. Nuclear Regulatory Comm.
Washington, D. C. 20555

Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Jerry Harbour
Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory Comm.
Washington, D.C. 20555

Lee L. Bishop
Harmon & Weiss
1725 "I" Street, N.W. #506
Washington, D.C. 20006

Ms. Lynne Bernabei
Mr. Thomas Devine
Mr. Louis Clark
Government Accountability
Project of the Institute
for Policy Studies
1901 Q Street, N.W.
Washington, DC 20009

United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

CONSUMERS POWER COMPANY
(Midland Plant, Units 1 and 2)

TO

Sharon Mareello
1938 South Harvey
Berwyn, Illinois 60402

DOCKET NO.

50-329-OM

50-330-OM

50-329-OL

50-330-OL

YOU ARE HEREBY COMMANDED to appear at the office of Isham,
Lincoln & Beale, Three First National Plaza
in the city of Chicago, Illinois
on the 26th day of May 1983 at 9:00 O'clock A.M.
to ~~appear~~ on behalf of _____
be deposed
in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

ATTORNEY FOR CONSUMERS
POWER COMPANY
David M. Stahl
Isham, Lincoln & Beale
TELEPHONE (312) 558-7500

.....19.....

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event
at or before the time specified in the subpoena
for compliance by the person to whom the sub-
poena is directed, and on notice to the party at

pending officer or if he is unavailable, the
Commission may (1) quash or modify the sub-
poena if it is unreasonable or requires evidence
not relevant to any matter in issue, or (2) con-
dition denial of the motion on just and reasonable

RETURN ON SERVICE

Received this subpoena at.....on
.....and on.....at.....
served it on the within named.....
by delivering a copy to h..... and tendering to h..... the fee for one day's
attendance and the mileage allowed by law.¹

Dated.....19..... BY.....

Service Fees

Travel..... \$
Services..... \$

.....
Total..... \$

Subscribed and sworn to before me, athis.....
day of.....19.....

NOTE - Affidavit required only if service is made by a person other than a United States
Marshal or his deputy.

SCHEDULE OF DOCUMENTS REQUESTED

The term "document" means:

the original, any copies when an original is unavailable and any non-identical copies (whether different from the original because of notes made on such copies or otherwise), regardless of origin or location, of any handwritten, typewritten, printed, recorded, transcribed, punched, taped, photocopied, photostatic, "telexed", filmed, microfilmed or otherwise prepared matter, however produced or reproduced. The term document shall include all writings, drawings, graphs, charts, photographs, phonographs and other data compilations from which information can be obtained, translated, if necessary through detection devices into reasonably usable form.

1. All statements and/or affidavits given by the deponent to any person or entity relating in any way to Zack Company, to Consumers Power Company or to quality control/quality assurance for Consumers' Midland Nuclear Power Plant.

2. All documents relating in any way to Zack Company, to Consumers Power Company or to quality control/quality assurance for Consumers' Midland Nuclear Power Plant.

United States of America

DOCKETED
USNRC

NUCLEAR REGULATORY COMMISSION

'83 APR 11 P1:52

In the matter of:

CONSUMERS POWER COMPANY
(Midland Plant, Units 1 and 2)

TO Mark Cioni
1335 Gunderson
Berwyn, Illinois 60402

DOCKET NO. 50-329-OM
50-330-OM
50-329-OL
50-330-OL

YOU ARE HEREBY COMMANDED to appear at the office of Isham,
Lincoln & Beale, Three First National Plaza,
in the city of Chicago, Illinois
on the 5th day of May 1983 at 9:00 O'clock A.M.
to testify on behalf of _____
be deposed

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

ATTORNEY FOR CONSUMERS
POWER COMPANY
David M. Stahl
Isham, Lincoln & Beale
TELEPHONE (312) 558-7500

.....19.....

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event
at or before the time specified in the subpoena
for compliance by the person to whom the sub-
poena is directed, and on notice to the party at

pending officer or if he is unavailable, the
Commission may (1) quash or modify the sub-
poena if it is unreasonable or requires evidence
not relevant to any matter in issue, or (2) con-
dition denial of the motion on just and reasonable

DS03

RETURN ON SERVICE

Received this subpoena at.....on
.....and on.....at.....
served it on the within named.....
by delivering a copy to h..... and tendering to h..... the fee for one day's
attendance and the mileage allowed by law.¹

Dated.....19..... BY.....

Service Fees

Travel..... \$
Services..... \$

.....
Total..... \$

Subscribed and sworn to before me, athis.....
day of.....19.....

NOTE - Affidavit required only if service is made by a person other than a United States
Marshal or his deputy.

¹ Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the

SCHEDULE OF DOCUMENTS REQUESTED

The term "document" means:

the original, any copies when an original is unavailable and any non-identical copies (whether different from the original because of notes made on such copies or otherwise), regardless of origin or location, of any handwritten, typewritten, printed, recorded, transcribed, punched, taped, photocopied, photostatic, "telexed", filmed, microfilmed or otherwise prepared matter, however produced or reproduced. The term document shall include all writings, drawings, graphs, charts, photographs, phonographs and other data compilations from which information can be obtained, translated, if necessary through detection devices into reasonably usable form.

1. All statements and/or affidavits given by the deponent to any person or entity relating in any way to Zack Company, to Consumers Power Company or to quality control/quality assurance for Consumers' Midland Nuclear Power Plant.

2. All documents relating in any way to Zack Company, to Consumers Power Company or to quality control/quality assurance for Consumers' Midland Nuclear Power Plant.

United States of America

DOCKETED
USNR

NUCLEAR REGULATORY COMMISSION

'83 APR 11 P1:51

In the matter of:

CONSUMERS POWER COMPANY
(Midland Plant, Units 1 and 2)

TO

Charles G. Grant III
1641 West Rascher
Chicago, Illinois 60640

DOCKET NO. 50-329-OM
50-330-OM
50-329-OL
50-330-OL

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

YOU ARE HEREBY COMMANDED to appear at the office of Isham,
Lincoln & Beale, Three First National Plaza
in the city of Chicago, Illinois
on the 12th day of May 19 83 at 9:00 o'clock A.M.
to ~~appear~~ on behalf of
be deposed

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

ATTORNEY FOR CONSUMERS
POWER COMPANY
David M. Stahl
Isham, Lincoln & Beale
TELEPHONE (312) 558-7500

.....19.....

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event
at or before the time specified in the subpoena
for compliance by the person to whom the sub-
poena is directed, and on notice to the party at

pending officer or if he is unavailable, the
Commission may (1) quash or modify the sub-
poena if it is unreasonable or requires evidence
not relevant to any matter in issue, or (2) con-
ditional denial of the motion on just and reasonable

DS03

RETURN ON SERVICE

Received this subpoena at.....on
.....and on.....at.....
served it on the within named.....
by delivering a copy to h..... and tendering to h..... the fee for one day's
attendance and the mileage allowed by law.¹

Dated.....19..... BY.....

Service Fees

Travel..... \$
Services..... \$

.....
Total..... \$

Subscribed and sworn to before me, athis.....
day of.....19.....

NOTE - Affidavit required only if service is made by a person other than a United States
Marshal or his deputy.

¹ Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the

SCHEDULE OF DOCUMENTS REQUESTED

The term "document" means:

the original, any copies when an original is unavailable and any non-identical copies (whether different from the original because of notes made on such copies or otherwise), regardless of origin or location, of any handwritten, typewritten, printed, recorded, transcribed, punched, taped, photocopied, photostatic, "telexed", filmed, microfilmed or otherwise prepared matter, however produced or reproduced. The term document shall include all writings, drawings, graphs, charts, photographs, phonographs and other data compilations from which information can be obtained, translated, if necessary through detection devices into reasonably usable form.

1. All statements and/or affidavits given by the deponent to any person or entity relating in any way to Zack Company, to Consumers Power Company or to quality control/quality assurance for Consumers' Midland Nuclear Power Plant.

2. All documents relating in any way to Zack Company, to Consumers Power Company or to quality control/quality assurance for Consumers' Midland Nuclear Power Plant.