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April 19, 1983

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

Charles Bechhoefer, Esq.
Atomic Safety & Licensing
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U.S. Nuclear Regulatory Com-
mission
Washington, D. C. 20555

Dr. Jerry Harbour
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mission
Washington, D. C. 20555

Dr. Frederick P. Cowan
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Boca Raton, Florida 33433

Dear Administrative Judges:

The enclosed "Diesel Generator Building Dewatering Settlement Report", which includes an affidavit from Dr. Peck, responds to a question about the slope of the settlement versus log time curve for marker DG-3 raised by the NRC Staff in its cross-examination of Dr. Peck on December 7, 1982. Dr. Peck's affidavit confirms the tentative conclusion expressed at that time by him and accepted by Mr. Kane as a "working hypothesis" (Tr. 10569), that the increased slope was due to dewatering. In accordance with the agreement reached at the evidentiary hearing on December 7, the NRC Staff (and the other parties if they so choose) will review this information and indicate their agreement or disagreement with Dr. Peck's conclusion. Unless there is significant disagreement, we anticipate no further evidentiary hearings on this subject will be required. (Tr. 10406-10407)

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We also would like to take this opportunity to remind the NRC Staff that they have also agreed to communicate their conclusions to the Licensing Board with respect to two other "loose ends" arising out of the soils remedial measures portion of this proceeding:

1. Applicant's identification of the underground line hit by OBS-4 as a circulating water drain line (Tr. 11854-5).
2. Applicant's seismic analysis of underground service water piping, as explained in the affidavit of Dr. Thiru Thiruvengadam dated January 21, 1983 (Enclosure E to my letter to the Board dated February 3, 1983).

As far as Applicant is aware, the only remaining "loose end" for which it is responsible is an affidavit on the durability of ethafoam (Tr. 12026), which we expect to submit to the Board in the next several weeks.

We do not expect any of these items will require further evidentiary hearings.

Sincerely,

William for

Philip P. Steptoe

PPS:es

Enc.

cc Service List

cc Mr. Joseph Kane
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