

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges  
Charles Bechhoefer, Chairman  
Dr. Frederick P. Cowan  
Dr. Jerry Harbour

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OFFICE OF SECRETARY  
DOCKETING & SERVICE

In the Matter of	)	ASLBP Nos. 78-389-03 OL
	)	80-429-02 SP
CONSUMERS POWER COMPANY	)	Docket Nos. 50-329 OL
	)	50-330 OL
(Midland Plant, Units 1 and 2)	)	Docket Nos. 50-329 OM
	)	50-330 OM

INTERVENOR BARBARA STAMIRIS' INTERROGATORIES  
TO CONSUMERS POWER COMPANY

TO: Consumers Power Company.

Intervenor Barbara Stamiris, pursuant to 10 C.F.R. 2.740b, hereby requests Consumers Power Company ("Consumers") to answer the following interrogatories by or before October 21, 1983, separately, fully, in writing and under oath.

These interrogatories are deemed to be continuing and any additional information relating in any way to these interrogatories which Consumers acquires subsequent to the date of answering them, and up to and including the time of hearing, should be furnished to intervenor promptly after such information is acquired.

INSTRUCTIONS

A. All information is to be divulged which is in your possession or under your control, or is in the possession or under the control of your present or former executives, commissioners, employees, staff, directors, officers, trustees, managers, attorneys, inspectors, investigators, consultants, accountants, or their agents, representatives or attorneys, or maintained in any branch, section, office of other subdivision of the Nuclear Regulatory Commission.

B. Where an individual interrogatory calls for an answer which involves more than one part, each part of the answer should be set out so that it is clear to which interrogatory it refers.

C. Where identification of a meeting, conversation, discussion or communication is required, the following shall be separately stated as to each such meeting, conversation, discussion or contact: the date; place; persons present; the method of communication, whether oral or written; the identity of each speaker; the substance of each speaker's participation; the substance of the subject discussed; the purpose of the meeting; the identity of any person who possesses information concerning such meeting, conversation, discussion or contact; the substance of any decision made at such meeting; any minutes, correspondence, notes, memoranda or other writing which resulted from or memorialized such meeting; and the location of any correspondence, notes, memoranda, or other writing.

D. Where identification of a document is required, state: its date; its exact title; the general subject matter of the document; the author and his/her affiliation, office or business, presently and at the time the document or correspondence was prepared; the last known address of the addressee and his/her name, title, affiliation, presently and at the time the document was prepared; and last known address of every person to whom a copy of the document was to be sent, other than the addressee described above; the names and addresses of all persons who now have the original and/or copies; the identification and location of the files where the original and each copy is normally kept and the custodian thereof; and whether the document will be made available for inspection and copying, and the site of such voluntary production.

E. If Consumers contends that the answer to any interrogatory is privileged, in whole or in part, or otherwise objects to any part of any interrogatory, state the reasons for each objection or grounds for exclusion, and identify each person having knowledge of the factual basis, if any, on which the privilege or other ground is asserted.

F. If an interrogatory could, at one time, have been answered by consulting documents which are no longer in existence, in answer to such interrogatory:

1. identify what information was maintained;
2. identify all documents which contained such information;
3. state the time period during which such documents were maintained;
4. state the circumstances under which documents ceased to exist;
5. state the date when such documents ceased to exist;
6. identify all persons having knowledge of the circumstances under which such documents ceased to exist; and
7. identify all persons who have knowledge or had knowledge of the documents and their contents.

G. As used herein and unless the context otherwise requires, the terms:

(i) "NRC" shall mean the Nuclear Regulatory Commission, its branches, departments, sections, offices, subdivisions, its present and former commissioners, administrators, management, employees, agents, representatives, consultants or officials, or their attorneys and representatives.

(ii) "Consumers" shall mean Consumers Power Company, its subsidiaries, branches, divisions, departments, sections, affiliates, its present and former directors, management, board of directors, employees, staff, agents, consultants, officials, attorneys or representatives, or their attorneys and representatives.

(iii) "Bechtel" shall mean the Bechtel Power Corporation or any of its branches, divisions, subsidiaries, auxiliaries, departments, sections, subdivisions, parent companies present and former directors, management, board of directors, employees, staff, agents, consultants, officials, attorneys, or any other corporation or company which is a member of the Bechtel family, or their attorneys or representatives.

(iv) "Document" shall be read to include every writing of every type and description, and every other instrument or device by which, through which or on which information has been recorded and/or preserved, including but not limited to memoranda, including those reflecting meetings, discussions or conversations, notes, letters, drawings, files, cancelled checks, check stubs, deposit or withdrawal slips, graphs, charts, maps, photographs, deeds, agreements, contracts, handwritten notes, diaries, logs, ledgers, studies, data sheets, notebooks, books, appointment calendars, telephone bills, telephone messages, train tickets or stubs, airplane tickets or boarding passes, receipts, vouchers, minutes of meetings, pamphlets, computations, calculations, accounting(s), financial statements, tax forms, voice recordings, and other data compilations and every other device or medium on which or through which information of any type is transmitted, recorded or preserved. The term "document" also means every copy of a document when such copy is not an identical duplicate of the original.

(v) "Person" shall refer to any natural person, firm, partnership, joint venture, trust, corporation or any other entity natural or legal, domestic or foreign.

(vi) "Communication" shall mean communication, discussion, conversation, contact, letter, memorandum, telephone call, message or direction, whether written or oral and whether in person, by telephone or by mail.

(vii) The OI Investigation and/or OI Report shall mean the original NRC investigation or report into alleged violations of the Atomic Safety and Licensing Board ("ASLB") Order of April 30, 1982, completed at or about June 2, 1983, by the NRC's Office of Investigations.

(viii) The Supplemental OI Investigation and/or Supplemental OI Report shall mean the supplemental NRC investigation and report into Consumers' alleged violation of the Board Order, which investigation resulted in the Supplemental Report dated September 12, 1983.

H. A number of interrogatories are directed to specific individuals. Intervenor requests a response from only that individual as to all such questions are so directed.

#### INTERROGATORIES

1. Regarding any document responsive to Intervenor's Request for Production of Documents of whose existence Consumers is aware, or which Consumers knew existed in the past, and which is not now within Consumer's custody or control, state the following:

- (a) the current location of the document;
- (b) the custodian of the document;
- (c) the title and substance of the document;
- (d) the document request to which the document is responsive; and

(e) if the document no longer exists, the last known location of the document and the circumstances under which the document ceased to exist.

TO JAMES COOK

1. Identify all discussions, meetings, conversations or communications related to your being informed that the May 20 and May 21, 1982 meetings dealt with the type of backfill to be used in monitoring pits.
2. Identify the person who gave you Mr. Fisher's May 20, 1982 Memorandum.
3. Describe your understanding of the status of NRC approval of excavation of the deep Q duct bank and relocation of the fireline after reading the May 20, 1982 Fisher Memorandum.
4. Describe your understanding of the status of NRC approval or lack of approval of the excavation of the deep Q duct bank as expressed in the NRC's May 25, 1982 letter to Consumers.
5. Identify all discussions, conversations, meetings or communications relating to the agreement between Mr. Wheeler and Dr. Landsman that Dr. Landsman would review and approve minor excavations after work started.

TO JAMES MOONEY

6. Describe your understanding of the purpose of the May 20, 1982 meeting between Consumers and the NRC.
7. What if any changes do you believe you should make in your prefiled testimony after having read the OI investigative reports.

8. State your current position regarding whether or not Dr. Landman told you at any time that he prohibited excavation below the Q duct bank without prior NRC approval.

9. Explain how the May 25, 1982 Memorandum approves excavation of the deep Q duct bank, as referenced on page 15 of the Supplemental OI Report.

TO ROBERT SEVO

10. Identify all discussions, conversations, meetings or communications which mention, or refer to any way the following:

a. Dr. Landsman had been called to the Midland site to inspect the deep Q duct bank before activation of the freezeway.

b. A need existed to stop the water flow beneath the deep Q duct bank;

c. the necessity to excavate to impervious ground beneath the duct bank;

d. QA planning determined the need for "sheeted pit" down to the duct bank;

e. concern with "recharging" the zone below the deep Q duct bank;

f. changes to the design of the duct bank or method of excavation of the duct bank, for the period March 1, 1982 through September 30, 1982;

g. deepening or exposing the deep Q duct bank, for the period March 1, 1982 through September 30, 1982.

11. Explain the factual basis for your "belief that NRC, CPC or BPC had not finalized the plans for the deep Q duct bank at the time of the additional excavation."



12. Identify all conversations, communications, discussions or meetings relating to obtaining NRC approval for excavation of the deep Q duct bank or the construction of the freezewall.

- (a) between yourself and the NRC; and
- (b) between yourself and Consumer and Bechtel.

13. Explain the factual basis for the statement that the May 20, 1982 notes meant "the method of accomplishing the impervious zone beneath the deep duct bank had not been approved," referred to on page 21.

14. Explain the following portions of your typed and handwritten notes for the May 21, 1982 Remedial Soils Meeting:

- (a) "target freeze activation on Wednesday, May 26, 1982";
- (b) "Pit 4 critical";
- (c) "Clear space duct bank ... Brien Palmer";
- (d) "have QA ... look at all pits for any quality concern before Dr. Landsman looks at them ...."

TO DAVID RONK

15. Explain the Diagram on page 3 of the attachments to the May 11, 1982 Ronk Memorandum, including but not limited to the meaning of the following:

- (a) zone numbers listed;
- (b) codes used and/or listed;
- (c) planning schedule caption;
- (d) "sup's soils, Consumers Power Company" in third top box from left; and
- (e) initials "DRF 5/11/82" at bottom left corner of page.



Describe the purpose of this document.

16. Identify all activities or work listed in your May 11, 1982 memorandum that had been submitted to the NRC for approval prior to May 11, 1982.

Identify all documents which refer, mention or evidence such prior submission of work and activities to NRC for approval prior to May 11, 1982.

17. Identify all discussions, conversations, meetings, or communications with Mr. Wheeler, Mr. Schaub or Mr. Mooney in period from March 1, 1982 through September 20, 1982 concerning:

- (a) the deep Q duct bank; and
- (b) the relocation of the fireline.

TO JOHN SCHAUB AND DAVID RONK

18. Identify all meetings, discussions, conversations and communications between Consumers, Bechtel and Mergentine relating to activities and/or items to be covered by the ASLB Order, including but not limited to the May 5, May 6 and May 7, 1982 meetings referred to in May 11, 1982 Schaub Memorandum.

19. Identify all activities determined by Consumers or by Bechtel, during the period from April 30, 1982 through September 30, 1982, to be covered by the ASLB Order.

Identify all documents which relate to, mention or refer to in any way the activities listed above.

20. For the period March 1, 1982 to September 30, 1982, identify the person or persons responsible for determining (a) whether or not a certain work activity must receive NRC approval, and (b) whether an activity or work is covered by the ASLB order.

21. Explain why the June 23, 1982 and June 30, 1982 Soils Progress Schedule Status Reports include an asterisk indicating NRC review is required for both "complete deep Q duct bank" and "relocate fire protection pipeline".

State all reason for removal and/or omission of the asterisk from these two activities from the July 7, July 14, July 21, and July 28, 1982 Soils Progress Schedule Status Reports.

22. Identify all person(s) responsible for determining:

(a) which activities in the Status Reports required NRC approval;

(b) which activities listed in the Status Reports should be marked with an asterisk;

(c) which activities should have asterisk removed;

(d) which activities had received prior or required NRC approval.

TO JOHN SCHAUB

23. Explain all reasons for your refusal to or declination to provide a written statement to NRC investigators regarding the Office of Investigation investigations into violation of the ASLB Order.

24. Describe the preparation of the Soils Progress Schedule Status Reports, including the following:

(a) identification of all persons preparing the reports;

(b) all persons reviewing the reports;

(c) all persons who received the reports; and

(d) all persons who used the reports in any manner.

For all such persons listed in subpart (d) above, state the use he/she made of the reports.

TO JEROME KOSTIELNEY

25. Describe how the Short Term Action Plans were prepared

(a) before June 31, 1982; and

(b) after June 31, 1982.

List all reasons for changing their method of preparation.

26. Explain the method of determining which work activities were asterisked in these reports.

Identify all persons who participated in any way in the determination or whether or not to asterisk a particular work activity.

27. Explain your understanding of the following statement when you received the July 8, 1982 Memorandum from Ronk, referenced on pages 28 and 29 of the Supplemental OI Investigation: "Jerry please make sure that appropriate activities get 2n\*."

Identify any reason(s) Ronk gave for writing this statement in his memorandum of July 8, 1982.

28. Explain what you meant when you stated to NRC investigators, "It's on there I assume I got the information," which is referenced on page 29 of the Supplemental OI Report.

29. Describe your duties or responsibilities related to determining what activities require NRC approval.

Describe your duties and responsibilities with respect to determine whether any activity listed in the Soils Project Schedule Status Reports or the Short Term Action Plans

(a) require prior NRC approval; and

(b) should be asterisked.

TO RODNEY WIELAND

30. Describe your understanding of "minor excavation" as Mr. Wheeler used it in describing the agreement between himself and

Dr. Landsman referenced on page 31 of the OI Supplemental Report.

TO GLENN MURRAY

31. Identify all documents you read or reviewed prior to approving the excavation permits for the fireline relocation and deep Q bank excavation.

Identify what portion or portions of these documents indicate the NRC gave prior approval for the activity and/or that prior NRC approval was not required for the activity.

32. Describe all changes in the plans for the deep Q duct bank, including the following:

- (1) person suggesting the change;
- (2) person authorizing the change;
- (3) time when change adopted; and
- (4) the reason/rationale for the change.

Identify all documents constituting, mentioning, referring to or relating in any way to the above mentioned changes.

33. Identify all Consumers or Bechtel investigations into the alleged violation of the Board Order or the manner in which the Office of Investigations' investigations were conducted.

Identify all reports or other documents related to such Consumers or Bechtel investigations.

To all persons who received the May 11, 1982 Ronk Memorandum with attachments, attachment 19 to Supplemental OI Report.

34. State your understanding of the following item under  
"Work Areas Addressed In Order Which Are Proposed to Receive  
Explicit NRC Authorization to Proceed":

"2. Dewatering-Auxiliary Building

a. Utility Protection Pits.

1) Deep Q Duct Bank."

Respectfully submitted,



LYNNE BERNABEI  
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DATED: October 11, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Intervenor

Barbara Stamiris' Interrogatories to Consumers Power Company

were

mailed, proper postage prepaid, this 11th day of October, 1983, to:

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