

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

INTERVENOR BARBARA STAMIRIS' REQUEST FOR PRODUCTION OF
DOCUMENTS TO CONSUMERS POWER COMPANY

TO: Consumers Power Corporation.

Intervenor Barbara Stamiris, pursuant to 10 C.F.R. 2.741, hereby requests Consumers Power Company ("Consumers") to produce and make available for inspection and/or copying each document in the possession or custody of Consumers or subject to the control of Consumers, its agents, or its attorneys, as requested below, by or before October 21, 1983.

DEFINITIONS

(a) The Nuclear Regulatory Commission or "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 agents, attorneys or representatives.

(b) "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.

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(c) "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.

(d) "Document" shall mean every writing of every type or 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, notes, letters, drawings, files, graphs, charts, photographs, slide presentations, handwritten notes, logs, ledgers, studies, data sheets, appointment calendars, telephone messages, meetings, calculations, computations, financial statements, voice recordings and other data compilations or every other device or medium on which or through which information of any type is transmitted, recorded or preserved.

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

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

(g) 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.

(h) 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.

(i) Region III shall mean all management and employees of Region III of the Office of Investigation and Enforcement, including but not limited to the Regional Administrator, inspectors, the Office of Special Cases, the Midland Team, and all other managers and employees with any responsibilities or duties related to the Midland Nuclear Plant.

INSTRUCTIONS FOR USE

A. All documents are to be made available for inspection and/or copying which are in your possession or under your control, or in the possession or under the control of your officials, executives, employees, staff, directors, management, attorneys, consultants, accountants, or their agents, representatives or attorneys.

B. If Consumers contends that any document responsive to any request for production listed below is privileged in whole or in part, or otherwise objects to any part of any request, state the reason 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.

C. If any document responsive to any request for production is no longer in existence, then answer the following questions:

1. identify what information was maintained;

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

. This Request for Production is deemed to be continuing such that Consumers is requested to supplement production with all responsive documents which come into its possession, custody or control subsequent to production of documents pursuant to intervenor's request.

DOCUMENTS TO BE PRODUCED

All documents which constitute, relate to, mention or refer to in any way the following:

1. Documents produced for review, inspection, or copying by any NRC investigator during the OI Investigation, the Supplemental OI Investigation, and any investigation independent of the two OI investigations conducted by Region III into the alleged violation of the ASLB Order.
2. The May 20, 1982 Meeting between Consumers and the NRC, including but not limited to any notes taken, maintained, reviewed, or received by any attendee of the meeting.

3. The May 21, 1982 Exit Meeting between Consumers, NRC and Bechtel, including but not limited to any notes taken, maintained, reviewed or received by any attendee of that meeting.

4. The May 25, 1982 Letter from NRC to Consumers, attached as Attachment 4 to the OI Report.

5. The June 4, 1982 Letter from Don Horn to W. Bird, B. W. Marguglio and M. Dietrich, attached as Attachment 9 to OI Report.

6. Any Consumers or Bechtel investigation of the alleged violation of the ASLB Order; excavation of the deep Q duct bank or fireline relocation.

7. Consumers or Bechtel's knowledge, awareness or notice that the NRC has prohibited excavation of the deep Q duct bank or relocation of the fireline without prior NRC approval.

8. John Donnell's employment with Babcox & Wilcox, or any subdivision or subsidiary, as an employee or on a contract basis with Babcox & Wilcox;

a. prior to assignment to the Midland Project;

b. during employment at the Midland Project;

c. employment after Donnell left the Midland Project,

including but not limited to any evaluations of or comments on Mr. Donnell's work while at the Midland site.

9. John Donnell's termination and/or separation from employment at the Midland Project, and Mr. Donnell's efforts to find other employment after this termination and/or separation from Babcox & Wilcox at Midland.

10. Communications with Mr. Donnell subsequent to his termination and/or separation as an employee at the Midland site.

11. Decision(s) or discussion(s) regarding the actual or proposed disclosure or nondisclosure by Consumers of information to NRC concerning alleged violation of the Board Order, including but not limited to disclosures regarding Mr. Donnell.

12. For the period March 1, 1982 through September 30, 1982, the following, unless already produced pursuant to prior discovery request:

- a. Progress Schedule Status Reports;
- b. Short Term Action Plans for Soils Remedial Work;
- c. Consumers Integrated Project Schedules for Auxiliary Building Underpinning;
- d. Consumers' Planning Schedules for Service Water Pump Structure Underpinning;
- e. Mergentine Daily Construction Schedules with related "Restraint List(s) for Daily Construction Schedule" and "Letter(s) of Transmittal" from Mergentine to Bechtel;
- f. Official Meeting Notes for Remedial Soils Weekly Schedule Review meetings;
- g. Ninety-day revolving schedules;
- h. Project II programs related to deep Q duct bank excavation or fireline relocation;
- i. Design documents regarding excavation of deep Q duct bank or fireline relocation, including but not limited to the following:

1. Mergentine-Hanson Drawing No. FW-6, Rev. 0, dated 1/25/81, "Plan, Profile, Freezewall and Boring,";
- 2.. Bechtel Drawing No. C-1316(Q), Rev. 0, dated February 1, 1982, titled "Yard Work Freezewall Plan and Profile";
3. Drawing Change Notice No. 1-C-1316(Q);
4. Bechtel Drawing No. C-1316(Q) Rev. 1, dated April 9, 1982;
5. Mergentine Drawing F 7220-C195-58-2, M-2, Revisions 0 through 4, including any subsequent revisions of Revision 4.
- j. NRC Action List(s) for period January 1982 through September 30, 1982.

13. Meetings, conversations, discussions or communications related to enforcement action which may be taken or has been taken against Consumers as a result of the OI Investigations and findings of those investigations into alleged violation of the ASLB Order.

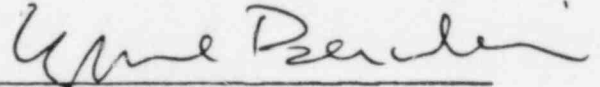
14. Meetings, discussions, conversations, or communications between the NRC, on the one hand, and Consumers or Bechtel on the other concerning the OI Investigation; OI Supplemental Investigation; the alleged violation of the Board Order; the deep Q duct bank excavation or fireline relocation which are the subjects of the OI Investigations.

15. Activities or items determined to be covered or considered to be covered by the ASLB Order, including but not limited to documents mentioning, referring to or related in any way to Bechtel and Mergentine meetings held on May 5, May 6 and May 7, 1982.

16. Fonk Note to Kostielney dated July 8, 1982 and referenced on pages 28 and 29 of the Supplemental OI Report.

17. All documents identified in response to any interrogatory posed by Intervenor Barbara Stamiris in her Request for Production of Documents to Consumers Power Company, dated October 11, 1983.

Respectfully submitted,



LYNNE BERNABEI
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for the Institute of Policy
Studies

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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' Request for Production of Documents to Consumers

Power Company were

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

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Washington, D. C. 20555

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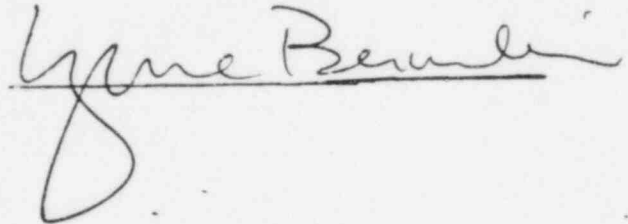
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A handwritten signature in dark ink, appearing to read "Lynne Beale", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the bottom.

*Delivered through the NRC internal mails.