

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

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

'83 OCT 14 P12:09

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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' REQUEST FOR PRODUCTION
OF DOCUMENTS TO NUCLEAR REGULATORY COMMISSION STAFF

TO: Nuclear Regulatory Commission Staff.

Intervenor Barbara Stamiris, pursuant to 10 C.F.R. 2.741, hereby requests the Nuclear Regulatory Commission ("Commission" or "NRC") Staff to produce and make available for inspection and/or copying each document in the possession or custody of the NRC Staff or subject to the control of the NRC Staff, 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, 1983, 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 Consumer's 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 commissioners, officials, executives, employees, staff, directors, management, attorneys, investigators, inspectors, consultants, auditors, accountants, or their agents, representatives or attorneys.

B. If the NRC 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.

D. This Request for Production is deemed to be continuing such that the NRC Staff is requested to supplement production with all responsive documents which come into its possession, custody or control subsequent to production or 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 obtained, read, reviewed, or requested during the OI Investigation and the OI Supplemental Investigation.
2. The May 20, 1982 Meeting between Consumers and the NRC.
3. The May 21, 1982 Exit Meeting between Consumers, NRC and Bechtel Power Corporation.
4. Investigative procedures, rules, regulations or policies applied to or followed in the OI Supplemental Investigation.

5. Consumers or Bechtel's knowledge, awareness or notice that Ross Landsman had prohibited excavation of the deep Q duct bank prior to NRC approval.

6. John Donnell's employment at Midland, termination and/or separation from employment at Midland; and his communications with NRC during the period from March 1982 to present.

7. Design documents, installation procedures or detailed schedule(s) related to Item 2.a (1) through 2.a (3) on Attachment titled "Work Areas Addressed in Order Which are Proposed to Receive Explicit NRC Authorization to Proceed," to Ronk Memorandum of May 11, 1982.

8. For the period March 1, 1982 through September 30, 1982, the following:

- 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; and
- h) Project II program, as related to deep Q duct bank excavation or fireline relocation.

9. Office of Investigation investigators' notes of interviews; of review of documents; and of drafts of reports related to OI Investigation or Supplemental OI Investigation.

10. Draft copies of OI Report and Supplemental OI Report.

11. 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.

12. 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.

13. Region III's evaluation, criticisms, praise, or comments on OI's Investigation or OI's Report, or OI's Supplemental Investigation and Supplemental OI Report on alleged violation of ASLB Order, including but not limited to

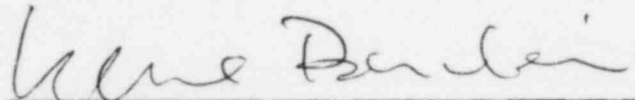
(a) documents mentioning, referring to or evidencing the adequacy of the OI Reports or OI Investigations; and

(b) documents mentioning, referring to, or evidencing Region III's suggestions re the OI Investigations and Reports.

14. Any investigation of Region III, as separate from the Office of Investigation's investigations, into the alleged violation of the Board Order.

15. Drafts of the Hayes to Keppler Transmittal Memo, dated September 12, 1983, and released to the parties at some point after September 12, 1983.

Respectfully submitted,



LYNNE BERNABEI

Government Accountability Project
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Studies

1901 Que Street, N.W.

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DATED: October 11, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
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)	50-330-OL
CONSUMERS POWER COMPANY)	50-329-OM
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(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 Nuclear
Regulatory Commission Staff were

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

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*Delivered through the NRC internal mails.