

ISHAM, LINCOLN & BEALE

COUNSELORS AT LAW

EDWARD E. ISHAM 872-908
ROBERT T. LINCOLN 872-869
WILLIAM G. BEALE 888-923

ONE FIRST NATIONAL PLAZA

FORTY-SECOND FLOOR

CHICAGO, ILLINOIS 60603

312-788-7800 TELEX: 2-52888

WASHINGTON OFFICE
1050 17TH STREET, N.W.
WASHINGTON, D.C. 20036
202-833-8730

ASSOCIATES

CHARLES A. BANE
DARY A. EBUNG
WILLIAM W. DARRON
FREDERICK R. CARSON
RICHARD G. FERGOUSON
RICHARD B. COLLIER
ROBERT E. CRONIN
EILEEN STRANG
ROBERT AODD TULLIS
RICHARD D. CUDAHY
RICHARD E. POWELL
A. DANIEL FELDMAN
PHILIP F. PURCELL
SHARON L. KING
JON R. LIND
MICHAEL J. MILLER
DONALD J. MCLACHLAN

DR. D.J. ROSSO
DONALD E. VACIN
JOHN L. CAUSLAND
LAURENCE D. LASKY
ROBERT A. YOLLES
D.R. RICHARD JOHNSON
GERALD D. MINDELL
GERRY D. OSTERLAND
JOHN W. ROWE
PAUL F. HANZLIK
DONALD B. HILLIKER
ROBERT W. KLEINMAN
TERRY F. MORITZ
ROBERT H. WHEELER
JOSEPH GALLO
REYNALDO R. GLOVER
ROBERT H. LOEFFLER

ALEXANDER MEYER
OF COUNSEL

LAWRENCE S. ADELSON
GEOFFREY A. ANDERSON
MARGARET G. BAXTER
EUGENE W. BERNSTEIN
ALAN R. BIELAWSKI
JAMES S. BURNS
JOHN E. CIPRIANO
G. KIRBY COLSON, III
CLARK EVANS DOWNIE
EDSELL M. EADY, JR.
ROBERT L. ESTEP
DAVID J. FISCHER
MARY L. FITCH
JAMES A. FLETCHER
ANNE W. FRASER
MARTHA E. GIBBS
STEVEN R. GILFORD
MICHAEL J. GILL
PAUL C. LEMBESIS
JAMES R. LOOMAN
JOHN E. LOPATKA

EDWARD W. MALESTROM
HUGH R. MCCOY, JR.
WILLIAM S. MICHAL, JR.
PAUL M. MURPHY
GLENN E. NELSON
JAMES N. NOWACKI
THOMAS GRADY RYAN
STEVEN R. SCHAFER
FREDERIC E. SCHREYER
PAUL W. SCHROEDER
DAVID M. SPECTOR
BOYD J. SPRINGER
DAVID M. STAHL
PHILIP R. STEPTOE, III
PAMELA B. STROBEL
WILLIAM R. SURIANO
PATRICIA M. SWEENEY
RICHARD B. THIES
JOHN W. TREECE
RONALD G. ZAMARIN

4/3
April 3, 1979

Ivan W. Smith, Esq.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Re: Consumers Power Company
(Midland Plant, Units 1 and 2)
Docket Nos. 50-329, 50-330

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES



Gentlemen:

After reviewing the Special Prehearing Conference Order issued by this Atomic Safety and Licensing Board in the above-captioned proceeding, Consumers Power Company has discovered a factual misstatement in the section of the Order which describes the cooling system for the Midland Plant. This misstatement does not alter the rulings made by the Licensing Board or any other substantive matter contained in the Order. In order to ensure an accurate record, however, Consumers Power submits this letter correcting the description of the cooling system to the Licensing Board and the parties.

In discussing Wendel H. Marshall's amended petition to intervene, contention 5, which relates to the potential for icing and flooding in the vicinity of the Midland Plant, the Order states:

The construction permit does not require that use of a cooling pond for condenser water be suitable.

8007240 577

G

April 3, 1979

The FES issued March 1972 described a cooling system whereby heated water from the condenser passes directly to the cooling pond. However the design also anticipated a relatively small amount of heated service water cooled by blowdown cells. FES III 5-8 and Fig. III-2. The elimination of these cells, if such has indeed occurred, would not appear to provide an adequate basis for Mr. Marshall's contention. Order at 22 (emphasis supplied).

The underlined portion is incorrect in that it confuses two discrete features of the cooling system for the nuclear facility, one of which has been eliminated. At the time the construction permits were issued, the design for the Midland Plant contemplated utilizing both pond blowdown cells (also called cooling towers) and a service water cooling tower. The former were intended to reduce the blowdown discharge temperature to 1°F above the ambient river temperature. The total dimensions of the three pond blowdown cells would have been 48 feet wide, 360 feet long and 60 feet high; these cells would have operated anytime during the year when the pond was being blown down. Environmental Report-Operating License Stage §10.3.3. It is the pond blowdown cells which have been eliminated from the Midland Plant design.

The service water cooling tower, which is retained in the current plan for the nuclear facility, is designed to operate during warm weather in order to maintain the service water system design inlet temperature below 95°F. A mechanical draft cooling tower, the service water tower is composed of two cells, each having a base of 60 by 71 feet and a height of 34 feet. Environmental Report-Operating License Stage §3.4.2 and Table 3.4-2.

Because the pond blowdown cells, which would have caused some fogging and icing during the year in their vicinity, have been eliminated from the Midland Plant design, there will be less fogging and icing associated with the nuclear facility than was anticipated at the time of the construction permit hearings. It is therefore obvious that this change in the design of the Midland Plant cannot support the admission on the ground of "changed circumstances" of Mr. Marshall's contention relating to icing and fogging effects. Thus, the Licensing Board's conclusion that contention 5 is barred by res judicata is, if anything, strengthened by this clarification of the record.

Very truly yours,



Martha E. Gibbs

One of the Attorneys for
Consumers Power Company

NEG bc

cc: Service List