

9/20/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
CONSUMERS POWER COMPANY)	Docket No. 50-155
(Big Rock Point Plant))	(Spent Fuel Pool Modification)

NRC STAFF REPLY TO INTERVENORS' PROPOSED
FINDINGS OF FACT CONCERNING TMI ISSUES

I. INTRODUCTION

On August 16, 1982, Intervenors Christa-Maria et al., filed their Proposed Findings of Fact Concerning Christa-Maria Contention 8 and O'Neill Contention III.E.2 (Findings). These Findings addressed the first three of five Licensing Board issues^{1/} which have collectively been referred to by the Board and parties as the "TMI Issues." For the reasons given below, the Board should reject Intervenors' Findings. The Staff also believes that Board Issue 1 should be held in abeyance.

II. DISCUSSION

Board Issue 1

How reliable is the remotely activated makeup water system which will be added to the spent fuel pool? How reliable does it need to be? How many gallons per minute will it be able to makeup?

^{1/} The Board stated five genuine issues of fact for these contentions in its Memorandum and Order Concerning Motions for Summary Disposition dated February 19, 1982.

By letter dated September 9, 1982 (copy attached), counsel for the Licensee advised the Board that the Licensee now intends to replace the installed one-inch makeup line with a one-and one-quarter inch makeup line. Counsel also stated that this proposed action requires a reopening of the hearing record and requested that litigation of Board Issue 1 be held in abeyance pending further developments. Since the Staff based its safety evaluation on the currently installed makeup line, and has not yet received any information on the proposed line, the Staff agrees with the Licensee's position. Therefore, the Staff is not submitting a reply to Intervenor's Findings on Board Issue 1.

Board Issue 2

How reliable are the spent fuel pool water level monitors which Applicant is planning to install? Is Applicant required to install and maintain these monitors?

The Intervenors state that "[t]he only problem with this monitor would be one of redundancy." Findings at 9. They also state that a second monitor "would greatly enhance the safety of the post-incident system." Id.

These statements by the Intervenors are unsupported by the hearing record. In fact, the Intervenors do not cite to any portion of the record to substantiate their conclusion that a second monitor is necessary. The Staff, however, addressed this issue at the hearing. In its testimony,^{2/} the Staff pointed out that the water level monitor plays no part in providing makeup water when a loss of coolant accident occurs. Clemenson/Emch at 8.

^{2/} Joint Testimony of Fred Clemenson and Richard L. Emch Concerning Christa-Maria Contention 8 and O'Neill Contention II.E.2 Genuine Issues of Fact 1 and 2, ff. Tr. 2431 (Clemenson/Emch).

The remote makeup system actuates automatically when the post-incident recirculation starts; therefore, the makeup system is not dependent on the level monitor. Id. at 5.

The Staff also provided a list of alternate methods by which the Licensee can detect a significant loss of water from the pool. Id. at 8-9. Therefore, the operation and reliability of the water level monitor is not a safety concern. Id. at 8.

The Licensee also presented testimony^{3/} that the water level monitor is reliable since it is qualified for a LOCA environment and is powered from reliable off-site and on-site power systems.^{4/} Blanchard at 22-24.

For the above reasons, the Staff submits that Intervenors have not demonstrated that a second water level monitor is required. They have offered only conclusory statements unsupported by the record. Therefore, the Intervenors' finding on Board Issue 2 should be rejected and findings made in favor of the Staff and Licensee.

^{3/} Further Testimony of David P. Blanchard on Christa-Maria Contention 8 and O'Neill Contention E.2-2, ff. Tr. 2024 (Blanchard).

^{4/} According to Mr. Blanchard's testimony the Licensee designed the level monitor to be seismically qualified. Blanchard, p. 23. The Staff did reference this statement by Mr. Blanchard at p. 9 in the Staff's findings of fact filed on August 23, 1982. However, to correct the record, the Staff does not consider the level monitor to be seismically qualified. The Staff has not yet approved the seismic evaluation criteria and methods used by the Licensee in the Systematic Evaluation Program. Herring, Tr. 2348-2356; Jenkins, Tr. 2123-2126.

Board Issue 3

Are motor operated valves MO-7064 and 7068 necessary to control containment pressurization? Are they qualified for high temperature and high humidity?

The Intervenors state that these valves control the containment spray system, which in turn is necessary to reduce containment pressure following a LOCA. Findings at 9-10. They also state that the subject valves have not been fully qualified for high temperature and high humidity, nor has radiation and thermal aging qualification testing been performed for this type of actuator. Id. at 10. Finally, they allege, without references, that MO-7068 must be manually actuated. Id. at 12.

Contrary to Intervenors' Findings, the Licensee has testified that the containment is designed to handle LOCA pressure without sprays and that sprays are required to reduce temperature (which incidentally reduces pressure). Blanchard at 25.

The Staff testified^{5/} that motor operated valves MO-7064 and MO-7068 are fully qualified for high temperatures and humidity. Shemanski at 2-3. Neither valve has been fully qualified for radiation and thermal aging, but both are qualified on an interim basis. Id. They will have to be replaced, rebuilt or fully qualified by the date set by Regulations. Shemanski at 4 and Tr. 2356-2357; Blanchard at 27 and Attachment 2.

Interim qualification is justified based on the following: MO-7064 actuates early in an accident before the environment is significantly degraded by the accident. Blanchard at 27 and attachments 2-3, at p. 90,

^{5/} Testimony of Paul Shemanski Regarding Christa-Maria Contention 8 and O'Neill Contention III.E-2 Genuine Issue of Fact 3, ff. Tr. 2332 (Shemanski).

97-98. MO-7068 is a back-up to MO-7064 and is not required for temperature control if MO-7064 works. Id. If MO-7064 fails to open, the failure would be early in the accident and actuation of the back-up MO-7068 would also be early in the accident before any significant degradation of the containment environment. Blanchard, p. 27.

Finally, contrary to Intervenor's unsupported assertion, MO-7068 is actuated by the operator from the control room and does not require containment access. Id. at 25.

III. CONCLUSION

For the reasons given above, the Staff submits that the Board should reject the enumerated proposed Findings of the Intervenor. Also, litigation of Board Issue 1 should be held in abeyance.

Respectfully submitted,



Richard G. Bachmann
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 20th day of September, 1982.

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September 9, 1982

Peter B. Bloch, Esquire
Administrative Judge
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Dr. Oscar H. Paris
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Mr. Frederick J. Shon
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RE: In the Matter of Consumers Power Company
(Big Rock Point Nuclear Power Plant), Docket
No. 50-155-OLA (Spent Fuel Pool Modification)

Gentlemen:

The remotely activated makeup water system (hereinafter referred to as the "makeup line") was litigated during the June hearings as one genuine issue of fact under Christa-Maria Contention VIII and O'Neill Contention III E-2. In particular the intervenors contested the reliability of the makeup line. The makeup line had been installed by Consumers Power Company for, among other reasons, to address the assertions made under the foregoing contentions.

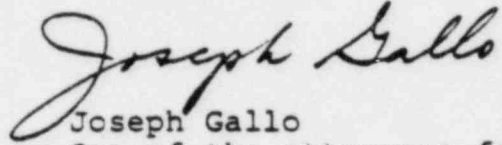
Consumers Power Company now intends to replace the installed one-inch makeup line with a new inch and one-quarter makeup line. Information concerning the reasons for this action will be furnished to the Board and the parties as soon as I receive it from my client. However, it is clear to me that this proposed action requires a reopening of the hearing record on what is now called genuine issue of fact (1) under the foregoing contentions. Accordingly, I request that the litigation of the issue be held in abeyance pending further developments.

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Findings of fact and Conclusions of Law were filed by the parties on August 23, 1982. Reply findings will be due on Monday, September 13. These findings covered three of the admitted genuine issues of fact under the foregoing contentions. Genuine issue (1) dealt with the reliability of the makeup line. It is this issue that should be held in abeyance pending further development. Genuine issues (2) and (3) dealt with the spent fuel pool water level monitor and motor operated valves, respectively. The litigation process should continue with respect to these two issues.

Sincerely,



Joseph Gallo
One of the attorneys for
Consumers Power Company

cc: : Service List