

September 28, 1982
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

_____)
IN THE MATTER OF)

CONSUMERS POWER COMPANY)

(MIDLAND PLANT, UNITS 1 AND 2))

) Docket Nos. 50-329-OL
) 50-330-OL

APPLICANT'S RESPONSE TO
STAMIRIS ADDENDUM TO 8/24/82
COST/BENEFIT CONTENTION

Applicant, Consumers Power Company, hereby responds to the "Stamiris Addendum to 8/24/82 Cost Benefit Contention", filed September 13, 1982.

The Stamiris proposed contention alleges:

The cost/benefit balance to the public of operating the Midland plant cannot be valid without taking account of the projected operation and maintenance costs of the permanent dewatering system.

There is no mention of dewatering cost considerations in the DES or FES analyses. The anticipated deterioration, possible repair and or replacement of wells must be projected in addition to routine operating expenses. This unique aspect of Midland's operation is a significant factor in the cost/benefit analysis which warrants consideration and explanation. (If already included in operating expenses, these dewatering costs should be delineated.)

Applicant objects to Ms. Stamiris' newest proposed contention because she has failed to demonstrate good cause for its late filing.

Ms. Stamiris' newest proposed contention is apparently an attempt to interject one more contention into the OL proceedings under the guidelines established by the Licensing Board in its "Memorandum and Order (Telephone Conference Call of September 1, 1982)", dated September 2, 1982 ("September 2 Order"). The Board noted in the September 2 Order that the deadline for timely filing of contentions based on new information in the FES had passed. They recognized however, that the order setting that deadline might have contained ambiguities regarding dates; accordingly, they granted Mary Sinclair's motion to extend the deadline for filing FES contentions to September 13, 1982. (September 2 Order, at pp. 1-2). In doing so, the Board "emphasized that the contentions in question must be based on new information in the FES; information set forth in the DES and merely reiterated in the FES would not qualify." (September 2 Order, at p. 2).

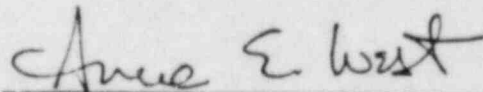
Under this standard, Ms. Stamiris' newest proposed contention clearly does not qualify for admission. The standard established by the Board requires that late filed contentions be based on something new or different in the FES. This proposed contention however is manifestly not based on anything new or different in the FES. In fact, the very core of Ms. Stamiris' complaint in this contention is that the FES analysis of operation and maintenance costs is virtually identical to that in the DES.

This contention could have been written and submitted months ago when the DES was first issued. Its sole complaint concerns an analysis "set forth in the DES and merely reiterated in the FES".

The delay in submitting this contention might be excusable had Ms. Stamiris submitted a comment on the DES alleging that the calculation of operation and maintenance costs had not taken costs of dewatering into account. Waiting until the issuance of the FES might then have been justified, since Ms. Stamiris would have been waiting for the NRC Staff to supply specifically requested new information in the FES. However, Ms. Stamiris' extensive comments on the DES raised no concern regarding this aspect of the Midland cost benefit analysis. (See FES at pp. A-95 to A-101). There is no justification, therefore, for waiting until the issuance of the FES for the submission of this contention.

Ms. Stamiris' newest proposed contention clearly does not qualify for admission under the standard promulgated by this Board.

Respectfully submitted,



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