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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'82 OCT -5 A10:51

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	
	)	Docket Nos. 50-329-OM
CONSUMERS POWER COMPANY	)	50-330-OM
	)	50-329-OL
(Midland Plant, Units 1	)	50-330-OL
and 2)	)	

APPLICANT'S RESPONSE TO INTERVENOR MARY SINCLAIR'S  
RESUBMITTED CONTENTION 56 ON STATION BLACKOUT

On September 20, 1982 Intervenor Mary Sinclair resubmitted Contention 56 dealing with Station Blackout. This contention had originally been admitted, subject to restatement providing additional specificity following discovery, in the Licensing Board's Special Prehearing Conference Order dated February 23, 1979<sup>1/</sup>. The contention was subsequently dropped during the prehearing conference on August 12-13 in Midland, Michigan, but as noted in this Board's Prehearing Conference Order (Ruling Upon New Contentions and Memorializing Other Determinations Revealed at Prehearing Conference), the staff agreed not to object on the grounds of timeliness if Mrs. Sinclair wished to restate and resubmit the contention by September 20.

As previously indicated, the early version of this contention relates to station blackout. Contrary to the suggestion on the first page of the contention, station blackout requires more than a loss of offsite power. Also necessary is a failure of emergency diesel generation capacity. Although both

<sup>1/</sup>Due to numbering errors in Mrs. Sinclair's original list of contentions dated October 31, 1978, what is referred to herein as resubmitted Contention 56 corresponds to original (1978) Contention 50.

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of the aspects, on their face, appear to be included in this contention, on closer inspection, the bases supplied are vague and irrelevant, assume events beyond the plant's design basis, or makes assumptions which, if found to be true, would require corrective action before the plant could be operated.

Alleged bases for diesel unreliability include soil settlement problems, ice and heavy snow loads, and "functional capability of the underground diesel fuel oil and service water lines." These are all issues which will be litigated in the soils portion of the hearing. A favorable finding on them is necessary for the plant to meet its design basis. Similarly, the claim that the Zack Company has somehow failed in constructing Category I duct work for the diesel generators lacks any bases at all except as supplied in other, admitted contentions. To the extent work performed by Zack on diesel generator ducts is called into question in existing Zack related contentions, the issue will be litigated under those contentions. Such issues must be resolved for the diesel building to meet its design basis.

In rejecting Stamiris Contention 5, the Board found that assumptions beyond the plant's design basis, such as that the diesel generator building is unsafe, are inadequate as bases for contentions when the identical issue is being litigated in another phase of the hearing.

The sole remaining ground alleged for diesel unreliability is a vague reference at p. 1 of the contention to the failure, due to ice formation, of cable, power lines, and other equipment needed for the diesel generator building. This allegation clearly lacks basis. The FSAR, p 8.3-20a, indicates that the diesel generator building is served by electric lines in underground duct banks. This should be no surprise to the intervenors, since

the diesel building duct banks have received prominent attention in the soils hearing. The reference to "other equipment" is too vague to place Applicant on notice of what equipment is in question.

For the reasons outlined above, no sufficient basis for diesel unreliability has been provided. The contention is inadmissible on that ground alone, since diesel generator failure is a necessary condition to a station blackout.

Applicant also objects to portions of the contention on p. 4, suggesting an unacceptable incidence of loss of offsite power, the other element of station blackout. In this regard the contention alleges incidents at the Company's Palisades and Big Rock Point facilities. No connection is made between these incidents and the Midland facility. Absent is any allegation that the configuration of electric lines serving Midland bears any resemblance to those of Palisades or Big Rock Point. Palisades and Big Rock Point are older facilities, designed to standards different from those applicable to Midland. To make the issue Midland specific, something more than an allegation of loss of offsite power at some other nuclear station is required.

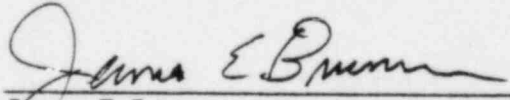
A final aspect of the contention seems to concern itself with equipment necessary to mitigate the effect of a station blackout, should one occur. (See the next-to-last paragraph on p. 3 of Resubmitted Contention 56). This portion of the contention also fails to provide the basis, specificity and nexus required by the Rules of Practice. Applicant's responses to Mrs. Sinclair's Interrogatory 35, supplied on July 12, 1982, explains that in the event of station blackout, the steam driven auxiliary feedwater pump will

automatically start and will be sufficient to remove decay heat for a minimum of two hours. Mrs. Sinclair offers no reason why this amount of time may be inadequate or not in compliance with NRC requirements.

Applicant further objects to the last paragraph on page 3, which seeks to raise a turbine missile issue. Mrs. Sinclair dropped her contention 54 dealing with turbine missiles, at the prehearing conference on August 12-13 (Tr. 8112).<sup>3/</sup> Its reassertion at this time is not timely. Moreover, even if a turbine missile were to knock out the auxiliary feedwater system, this would not cause a station blackout event. Thus there is no connection between the hypothesized accident and the subject of this contention. Finally, the paragraph lacks basis and specificity, which is an especially serious failing given the amount of information available to Intervenor Sinclair and the late stage of this proceeding.

For the reasons outlined above, Intervenor's reformulation of contention 56 lacks the requisite basis and specificity to stand on its own as an acceptable contention.

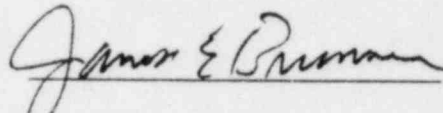
Respectfully Submitted,

  
James E Brunner  
Attorney for Consumers Power Company

<sup>3/</sup>This contention was originally numbered 48 in Mrs. Sinclair's 1978 pleading.

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached response of Consumers Power Company Intervenor Mary Sinclair's resubmitted Contention 56 on Station Blackout were sent by U S Mail, first class, postage prepaid, to the attached service list this 30th day of September.

  
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