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March 1, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CONSUMERS POWER COMPANY) Docket No. 50-1550LA
) (Spent Fuel Pool
(Big Rock Point Nuclear Plant)) Expansion)



Dear Administrative Judges:

Pursuant to the obligation of candor as articulated by the Appeal Board in Vermont Yankee,^{1/} Licensee would like to bring to your attention the following minor errors in the Board's Memorandum and Order (covering Motions for Summary Disposition) dated February 19, 1982. We do not believe these items require any substantive changes in the Board's ruling.

On pages 16 and 17 of the Memorandum and Order, the Board has apparently been confused by an erroneous citation by Intervenor. In fact, Licensee did admit that several non-safety related pool components have not been analyzed for seismic loadings, in its answers to Christa-Maria Interrogatories 3-5(q) and 3-6(q) (First Set), dated August 22, 1980.^{2/} Intervenor's Memorandum in Opposition to Motions for Summary Disposition dated December 11, 1981

1/ Vermont Yankee Nuclear Power Corp. (Vermont Yankee Station), ALAB-138, 6 AEC 520, 533 (1973).

2/ In addition, a brief discussion of "seismic qualification" appears in the deposition of David Blanchard, taken on January 12, 1982. (The relevant pages are enclosed.) A more complete discussion of what has and has not been conceded about the seismic qualification of Big Rock Point Plant, and the status of NRC Staff's seismic design review, is contained in "Licensee's Further Response to Late-Filed Contentions of Intervenor's Christa-Maria, et al." dated November 6, 1981 at pp. 33-41 and Attachments A, B, and C thereto.

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erroneously referred to Interrogatories 3-5(g) and 3-6(g), which obviously misled the Board. This confusion should have no effect on the Board's decision since it is clear, as the Board recognized, that the occurrence of an earthquake is not "a permissible argument under the admitted contention," which refers to "an accident similar to TMI-2."

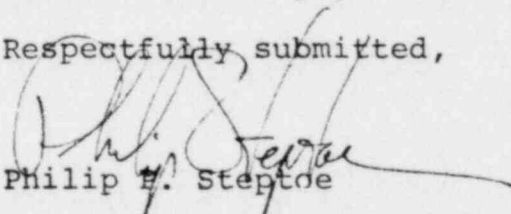
A second mistake appears in the last sentence in the first full paragraph on page 28 of the Memorandum and Order. The sentence should perhaps read:

However, we have reviewed that portion of the Axtell affidavit and conclude that the section of wall there described is so far above the top of the stored fuel as to have no significance whatever.

The two-foot thick portion of the south wall is not "far above the surface of the pool" as stated in the Memorandum and Order. It extends from the reactor deck level (near the surface of the pool) seven feet downward, below the surface of the pool. However, it is correct to state that the two foot thick portion of the wall is far above the stored spent fuel, and also far above that portion of the exterior of the south wall which is accessible to plant personnel (the filter sock tank area). See Axtell affidavit at page 4, footnote 2 and Figures 1 and 2. The Board's conclusion, that radiation through this two-foot thick section of the south wall has "no significance whatever," is correct for the reasons stated by Mr. Axtell in footnote 2.

Finally, the word "Intervenors" should be substituted for "applicants" in the second line on page 53.

Respectfully submitted,


Philip E. Steptoe

PPS/kb

CC: Service List

health physicist at Consumers Power, Big Rock Point Plant.

A (Mr. Sinderman) My name is Roger Sinderman, and I am Director of Radiological Services, Consumers Power Company at its general offices in Jackson, Michigan.

A (Mr. Blanchard) My name is David Blanchard, and I am a technical engineer. I work at the Big Rock Point Nuclear Plant.

Q Under the procedures we have just discussed, I am going to direct particular questions to one of you based on information from Mr. Gallo that that particular person is primarily responsible for the question. But any of you are free to join in the answer.

I take it you all have a copy of the stipulation which is dated December 18, 1981, between Mr. Gallo and myself, regarding this deposition, with a list of attached questions; is that correct? Do you all have that?

A (Mr. Axtell) Yes.

A (Mr. Sinderman) Yes.

A (Mr. Blanchard) Yes.

Q All right. Let's begin by referring to Question 2.

Mr. Blanchard, can you tell us whether or not the spent fuel pool filters and secondary cooling loop at Big Rock

are seismically qualified under 10 CFR Part 50? Let's just start first with the pool filters.

A (Mr. Blanchard) Okay. Well, I can answer that in general. The fuel pool filters are part of the cooling loop of the spent fuel pool and they are not seismically qualified. They are not considered important to safety from that standpoint. For the most part, you can gain access to the containment in order to maintain those -- that piece of equipment.

I have a question concerning the term "secondary cooling loop." Could you be a little specific what you mean by secondary cooling loop?

Q You just said the pool filters are part of what?

A The cooling loop.

Q Is the cooling loop seismically qualified?

A No, this cooling loop is not seismically qualified.

Q All right. When you refer to seismically qualified, what is your understanding of that term?

A During a design basis earthquake, whatever earthquake that is we agree upon between Consumers Power and NRC for the Big Rock Point site, seismically qualified to be able to sustain the earthquake without damage and still perform its intended function.

Q Would it refer to any other impact on the plant or particular piece of equipment other than an earthquake?

A I don't understand what you mean by impact.

Q Something which struck the plant or struck a part which caused a great force to hit the plant.

A No, seismically qualified, I believe it would just refer to the earthquake itself.

Q I guess what I was referring to are any other events that might cause vibrations in the vicinity of the plant or at the plant itself.

A I guess I'm still not sure what your question is. As far as seismically qualified under 10 CFR 50 goes, the NRC and Consumers Power developed a site-specific spectra for that earthquake and for those systems we deemed to be important under such an event and were required to qualify them, perform analyses on the structures and components.

Q Do you have the site-specific criteria for Big Rock Plant?

A No, I don't have that.

Q You mean you don't have it with you?

A No.

Q All right. Let's go to Question 3. Is the spent fuel

above grade?

A Yes, it is, and I have a couple of plant drawings to demonstrate that. The first drawing is M-103, and it shows the base of the pool is at elevation with respect to sea level of 601 feet, 6 inches.

And then I have a site plan which shows the grade around the plant varies generally from 588 feet to 591 feet. That drawing is Plant Drawing C-3. M-103 is a cross-section of the building.

MR. SEMMEL: Can we mark these separately, please?
Drawing DWG M-103, and C-3 is No. 2.

(Drawing M-103 was marked for identification as Intervenors Exhibit No. 1; and Drawing C-3 was marked for identification as Intervenors Exhibit No. 2.)

BY MR. SEMMEL:

Q Referring to Intervenors No. 1, these marks here that say EL and a number after it, that refers to the elevation at that particular point?

A (Mr. Blanchard) Right. That's right.

Q I'm referring to Question 4 now. I'd like to go back to

3 for a moment.

Is there any significance whether or not the pool is above grade or below grade with respect to safety, particularly in the event of a breach of the pool walls?

A I can think of none. No, I guess I can't think of any.

Q All right. With respect to No. 4, are you familiar with any blasting by the Medusa Cement Company that has occurred?

A Well, Medusa and Penn Dixie Cement Companies have quarries in the vicinity. The quarries are approximately five miles from the plant site, and in order to mine their material, they use blasting to knock the rock loose from the walls of their quarries.

Q And this goes on regularly while they are mining?

A Right.

Q And that is still the case today; is that correct?

A It is with Medusa. Penn Dixie has gone out of business some time ago, within a year ago, approximately, I believe.

Q What devices are used at the Big Rock Plant to monitor the impact of the blasting?

A We have no devices at the plant to monitor blasting.