UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

NEW CONTENTIONS BY INTERVENOR MARY P. SINCLAIR

June 18, 1982

Significant developments since my initial contentions were submitted in 1978 require the following new contentions to be submitted for the operating license for Midland:

1. The Environmental submission by Consumers and staff have failed to analyze the absolute and incremental effects on the environment (including the cost-benefit and risk benefit considerations) of the entire fuel cycle, as well as the serious problem of the storage of nuclear wastes on site. The U.S. District Court of Appeals of Washington, D.C. struck down the S.3 Table on April 27, 1982, which had been relied on for this purpose. Because of this Court decision, Consumers Power Co. and the NRC cannot comply with requirements of the National Environmental Policy Act in their Final Environmental Impact Statement.

2. The NRC and Consumers Power Co. have not weighed the psychic stress and resulting costs to public health of operating these reactors so close to major industry and population centers as required by the decision of the U.S. District Court of Appeals for the District of Columbia on May 14, 1982. As the ACRS letter of June 8, 1982, pointed out, the Midland site is one of the most densely populated sites at distances close to the nuclear reactors. Since the plant has had so many major quality control problems during its construction, the level of concern is

DS03

sufficiently high already to have convinced several government bodies and civic groups in the area to adopt resolutions opposed to the plant. These groups include: Ingersoll Township, Midland County; UAW Local 362; Bridgeport Ecological Society; Saginaw City; Bay City Education Association; UAW Cap Council, Bay City; Citizens for Animal Welfare Education, Inc., Bay City.

No Final Environmental Impact Statement can be completed without this evaluation to comply with NEPA requirements.

3. Studies since the TMI-2 accident show that many kinds of reactions within a B&W reactor were not understood by anyone in the nuclear industry or NRC staff. One such condition is severe core damage as a major accident condition. The complex operations failures involving inadequate instrumentation and several operating errors or deficiencies that initiated that severe accident is another. Studies are in the earliest stages on these kinds of issues. (Science, April 9, 1982) This lack of knowledge on the part of the people on whom the public must rely for safety makes it impossible for the NRC to fulfill its primary obligation under the Atomic Energy Act of 1954 to protect public health and safety at this site.

4. Chief geotechnical engineer, Joseph Kane, testified on August 12, 1982, that even in 1978 when the Diesel Generator Building (DGB) began excessive settling when it was only 20% complete that "When you are considering it from the standpoint of safety alone, it is my opinion that removal and replacement (of the DGB) is a better solution." (p 4209-10) Darl Hood, project manager, also stated that from a standpoint of safety, removing and replacing the DGB was also the best option from the point of safety/ (p 4464) Dr. Charles Anderson, P.E., consultant for the intervenors, came to the same conclusion on May 21, 1982 in his statement to the ACRS. This can only lead to the conclusion that unless the DGB is removed, and the soil recompacted and the building replaced, that the NRC cannot give assurance of protecting public health and safety as it is mandated to do under the Atomic Energy Act of 1954 which specifically says that "public health and safety"--not cost or schedules--must be the primary consideration in licensing.

5. Since TMI-2 reactor came within one hour of a total meltdown (Rogovin Report), Dr. Stephen Hanauer has said all systems must be studied in light of a Class 9 accident, -a process that the NRC has ruled out in the past. Unless this is done at Midland, the proper safeguards will not be in place to protect the public as is required by the Atomic Energy Act of 1954.

6. Present practice allows maintenance work to go on while the plant is in operation. This can disrupt and disable critical safety systems. Unless assurance is given that such maintenance practices will not take place at the Midland site, the NRC and the Applicant cannot give assurance of protecting the public health and safety as they are mandated to do under the Atomic Energy Act of 1954.

7. The monthly cooling pond performance data for both one and two units at Midland on p. 4-7 and 4-8 of the DEIS are based on data prepared for Consumers Power Co. by Bechtel in August, 1973. These data are based on a cooling pond in Arizona which is not applicable in the Midwest, according to James Carson, meteorologist at Argonne National Laboratory, who reported this at a Midland meeting in September, 1978. He reported that data that is applicable to Midland should be based on that of the Dresden, Illinois cooling pond where the water is running 90° hotter than the ambient temperature. Consumers Power Co. cannot meet its water permit requirements with these data. By using the incorrect data, the NRC and Consumers Power Co. have deceived the Michigan Department of Natural Resources about the effects of the cooling pond. It is another example of deception of the public and the agencies which have a responsibility to protect the public and their environment, and therefore, the Applicant cannot be trusted to operate the Midland nuclear plants safely, as mandated by the Atomic Energy Act of 1954.

8. The Midland SER (NUREG-0793) does not describe sufficiently how the interactions between the two units have been stabilized to prevent an accident in one unit from affecting the other as has happened at the Arkansas Units 1 and 2, on September 16, 1978, and therefore, assurance of public safety cannot be made.

9. B&W plants have the same type of pressure relief valve that jammed open at TMI-2 and at several other B&W reactors. Unless a system of interlocks is

installed to prevent the switches that keep the reactors operating from working unless all key valves are in their proper positions, no assurance of protecting public health and safety can be given.

10. The Midland SER (NUREG-0793 , C-10), states that the faulty circumferential weld on Unit 1 can only meet the 50lb. EOL requirement for 15.1 effective fuel power years. This is equivalent to 18.9 calendar years if an 80% utilization factor is applied. These data totally contradict the cost-benefit analysis made in the draft DEIS since this time period for the operation of Unit 1 is only half the lifetime that has been assumed for the cost-benefit analysis. Furthermore, Unit 1 is the unit primarily intended to supply process steam to Dow. Therefore, the Applicant cannot meet the positive cost-benefit analysis required by NEPA or their contractual arrangements with Dow.

11. The studies done by geologists in connection with the hazardous waste dump that was approved last year for Midland revealed that there was a large cavern containing some chemical wastes under the nuclear plant site; the size shape and exact location was not determined. Neither the Applicant or the Staff have provided any data on whether the cavern is under the cooling pond, the reactors or other safety-related buildings, or if and how it can affect the operation of the nuclear plants, the cooling pond, or the dewatering system; therefore, no assurance of protecting the public health and safety on this matter can be given pursuant to 10 CFR §50.57 (a) (2) and 10 CFP §50.57 (a) (3) (l).

12. Numerous brinewells have been injected under pressure with chemical wastes in this area. This can induce ground movement as has happened in the Denver, Colorado area. No evaluation of the effects of these pressure injected wells has been provided by the Applicant or NRC Staff; therefore, no assurance of public safety can be pursuant to 10 CFR §50.57 (a) (2) and 10 CFR §50.57 (3) (l).

PROOF OF SERVICE

I certify that on June 18, 1982, I mailed copies of the foregoing Contentions of Intervenor Mary P. Sinclair to the Nuclear Regulatory Commission Docketing and Services Section for filing, and that on the same day I mailed copies of said Contentions to the persons shown on the attached Service List below, all by first class mail, postage prepaid.

Mary P. Sinclair

Mary P. Sinclair, Intervenor

Charles Bechhoefer, Esq.
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Ralph S. Decker
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Frederick P. Cowan
Apt. B-125
6125 N. Verde Trail
Boca Raton, Florida 33433

Jerry Harbour, Esq.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Secretary,
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Services Section

Michael I. Miller, Esq.
Ronald G. Zamarin, Esq.
Alan S. Farnell, Esq.
Isham, Lincoln & Beale
Suite 4200
1 First National Plaza
Chicago, Illinois 60603

Mr. Wendell Marshall
Route 10
Midland, MI 48640

Ms. Barbara Stamiris
5795 N. River
Freeland, MI 48623