

March 30, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

APPLICANT'S RESPONSE TO INTERVENOR BARBARA  
STAMIRIS' NEW CONTENTION REGARDING  
TRANSAMERICA DELAVAL, INC. DIESEL GENERATORS

On March 4, 1984, Intervenor Barbara Stamiris submitted a new contention regarding the Transamerica Delaval, Inc. ("TDI") emergency diesel generators ("EDG's") installed at the Midland plant. On March 15, Ms. Stamiris submitted an addendum to the contention addressing the requirements of 10 C.F.R. 2.714 with respect to late-filed contentions. Thereafter, in its Order (Time for Responses to Ms. Stamiris' Motion for New Contention re: TDI Diesel Generators) dated March 21, 1984, the Atomic Safety and Licensing Board permitted parties to respond to Ms. Stamiris' proposed contention as if the original filing date by mail had been March 15.

Applicant does not oppose the proffered contention. Applicant does, however, offer several clarifications to the bases provided by Ms. Stamiris in support of the contention.

First, at page 3 of her motion dated March 4, 1984, Ms. Stamiris refers to "the soil related structural and differential settlement problems of the OM proceeding" and the

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recent interim 10 C.F.R. 50.55(e) reports regarding differential settlement between the DGB structure and diesel generator pedestals (referring to J. W. Cook letters to J. G. Keppler dated January 13 and January 30, 1984, serial 26664 and 28000, respectively). As this basis acknowledges, settlement of the DGB has been litigated in the OM proceeding; there is no need to separately litigate it with respect to the new contention. Thus, this basis should be limited to the issue of whether the mechanical connections to the TDI EDG's are adequate to withstand postulated differential settlement between the DGB structure and diesel generator pedestals.

Second, Ms. Stamiris makes reference to the transcript of a January 26, 1984 meeting between the NRC Staff and the TDI EDG Owners Group attached to Board Notification 84-020 (Docket Nos. 50-416 and 50-312). See Stamiris motion, p. 2. This reference mischaracterizes statements made during the meeting. For example, Mr. Denton's statement at page 46 of the transcript does not indicate NRC dissatisfaction with the approach chosen by the Owners Group. Rather, it evidences a non-judgmental Staff inquiry into the scope of the Owners Group's proposal. The complete exchange is reproduced below:

MR. DENTON: What's your confidence in the ultimate success? It's a very impressive group you've put together here.

Do you have a group on just replacing the engine with one of the different design? Why didn't you go that route versus this route?

MR. SEAMAN: We don't have a group to consider replacement of design.

ATTENDEE: Replacement of engine is a very long term project. This is something we can do over a period of months as opposed to period of years. We are -- we feel confident that this program will be successful, and we will not know until we get further into it.

Board Notification 84-020, Docket Nos. 50-416 and 50-312, Enclosure 4, pp. 46-47 (February 13, 1984).

While Ms. Stamiris is correct to the extent she concludes that the NRC Staff is concerned about the reliability of TDI EDG's,<sup>1/</sup> she has incorrectly assumed that replacement of the EDG's is the only option. Neither Applicant nor the Board Notifications provided to date reach this conclusion.

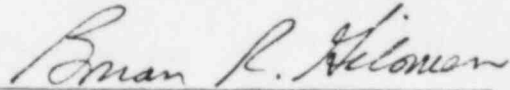
Finally, Applicant notes that the matters raised in the new Stamiris contention overlap those raised in Sinclair Operating License Contention 11, as adopted by this Board on December 30, 1982. See Memorandum and Order (Rewritten Contentions of M. Sinclair), LBP-82-118, 16 NRC 2034 (December 30, 1982). To avoid redundancy, Applicant suggests that the new Stamiris contention be incorporated in the Sinclair contention. Applicant includes herewith as Attachment 1 a proposed rewrite of the new Stamiris contention, formatted as Basis 5 of Sinclair

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<sup>1/</sup> Ms. Stamiris is, however, incorrect in her literal conclusion regarding "the NRC's lack of confidence in the TDI generators." The cited references are to statements made by the NRC Staff, not the Commission.

Contention 11. Attachment 1 has been drafted so as to incorporate Applicant's clarifications.

Respectively submitted,

A handwritten signature in cursive script, reading "Brian R. Gilomen". The signature is written in dark ink and is positioned above a horizontal line.

Brian R. Gilomen  
An Attorney for  
Consumers Power Company

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ATTACHMENT 1

Sinclair Contention 11 (as amended by the addition of new Stamiris contention)

There is no basis for a finding of reasonable assurance that the Midland facility can be operated safely during a loss of all AC power and resulting station blackout, for the following reasons:

\* \* \*

5. In Board Notification 84-020, 84-021 and 84-024, the NRC Staff has compiled findings and rendered conclusions regarding Transamerica Delaval, Inc. ("TDI") diesel generators supplied to nuclear plants. Based on the problems identified in these Board Notifications, the TDI Model DSRV 12-4 emergency diesel generators installed at the Midland plant can not be relied upon to perform their requisite safety function.

Board Notification 84-024 includes Policy Issue SECY-84-34, dated January 25, 1984. This Policy Issue states at page 1 that "[d]uring the course of the evaluation of the failure and the repairs of the Shoreham EDG's, information related to the operating history of TDI engines and the QA program of the manufacturer has been identified which calls into question the reliability of all TDI diesels." The Policy Issue concludes at

page 3 that "[t]he staff believes that before additional licensing action is taken to authorize the operation of a nuclear power plant with TDI engines, these issues, relating to quality assurance, operating experience, and the ability of the machines to reliably perform their intended function, must be addressed."

Board Notification 84-021 includes NRC Staff inspection reports from March, 1979 through July, 1983, relating to the TDI facility in Oakland, California. These reports detail Notices of Deviations, nonconformances and violations of NRC regulations on the part of TDI, and indicate a failure of TDI to properly implement its QA program or to properly inform the Commission under 10 C.F.R. Part 21 of certain failures and defects.

Board Notification 84-020 includes as Enclosure 3 a document entitled "U.S. Nuclear Experience with TDI Diesel Generators -- San Onofre 1, Grand Gulf [and] Shoreham [sic]." This enclosure lists problems to date at the referenced generating stations, and indicates the inability of TDI generators to perform reliably and safely.

In letters dated January 13 and January 30, 1984 (Serial 26664 and 28000, respectively), Consumers Power Company submitted interim 10 C.F.R. 50.55(e) reports to the NRC Staff. These reports indicate that requirements for differential settlement between the DGB structure and diesel generator pedestals were not accounted for in the design of the piping, equipment, conduits and pipe supports.

Since all these adverse conditions that can affect the performance of the DGB and the redundant emergency power systems which must operate to prevent station blackout are present at Midland, the findings required by 10 C.F.R. §§ 50.57(a)(3)(i) and 10 C.F.R. §§ 50.57(a)(6) cannot be made on the basis of this information.



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CONSUMERS POWER COMPANY	)	50-330-OM
	)	50-329-OL
(Midland Plant, Units 1	)	50-330-OL
and 2)	)	

PROOF OF SERVICE

Rose E. Garcia, being first duly sworn on oath,  
deposes and says that she served copies of the attached  
Applicant's Response to Intervenor Barbara Stamiris' New  
Contention Regarding Transamerica Delaval, Inc. Diesel  
Generators upon all persons shown on the attached service  
list by deposit in the United States mail, first class, this  
30th day of March, 1984.

Rose E. Garcia

SUBSCRIBED and SWORN to  
before me this 30th day  
of March, 1984.

Jack J. Marsh  
Notary Public

My Commission Expires January 19, 1985



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