Ad Seam
What are we doing about the license and the certified question
[illegible] 7/26

JUL 20 1972

Note to L. Manning Muntzing

RE: INDIAN POINT #2

On July 14, 1972, the ASLB for Indian Point 2 issued an initial decision which authorized a testing license to the extent of 20% of rated power, and referred the balance of the motion by Con Ed for authority for testing operations up to 50% of rated power to the Commission. The Board accepted most of the staff and applicant proposed findings, and rejected all but four of the intervenor's proposed findings (related to uncontroverted ECCS issues, and certain items related to the staff 50% impact statement).

The Board also certified to the Appeal Board the following question for determination and guidance in the further proceedings in the Indian Point 2 case (page 16):

> "Is it the position of the Commission that the measures taken to assure the integrity of the pressure vessels for light water reactors have been demonstrated and documented sufficiently that protection against the consequences of failure of the reactor vessel need not be included in the design of the plant and evidence concerning the integrity of the pressure vessel should not be adduced in the licensing proceedings?"

The regulatory staff has consistently taken the position that a reactor pressure vessel failure is not contemplated to be included in the definition of a LOCA in Appendix A to Part 50 or to the effect that such failure is not the maximum credible accident.

In its decision (page 29) the Board expressed some concern about the removal of a safety feature from the plant design after the construction permit was issued, and without public disclosure until the plant was substantially completed (reactor pit crucible).

The Board also expects to be provided with a proposal of Technical Specifications (Environmental) for the testing license before such

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license is issued. At the moment the environmental project manager is at Oak Ridge putting the final touches on the environmental technical specifications.

The latest information from the applicant and Compliance is that Con Ed will not be able to go critical until sometime in August, as a result of some control rod and fuel assembly problems.

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Licensing/Regulation

cc: Bloch
O'Leary
Case
Giambusso