



UNITED STATES  
ATOMIC ENERGY COMMISSION  
WASHINGTON, D.C. 20545

~~Oct~~ 21 1971

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In the Matter of Consolidated Edison Company of New York, Inc.  
Indian Point Nuclear Generating Unit No. 2  
Docket No. 50-247

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Dear Mr. Roisman:

At the July 14, 1971 hearing session of subject proceeding (Tr. Pages 1240-1241), you requested that the Staff respond in writing to two questions which you asked. Transmitted herewith are the responses of the regulatory staff to your questions.

Sincerely,

Myron Karman  
Counsel for AEC Regulatory Staff

Enclosure  
As stated

cc with encl: Samuel W. Jensch, Esq.  
Dr. John C. Geyer  
Mr. R. B. Briggs  
J. Bruce MacDonald, Esq.  
Angus Macbeth, Esq.  
Honorable William J. Burke  
Paul S. Shemin, Esq.  
Leonard M. Trosten, Esq.  
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Mr. Stanley T. Robinson, Jr.

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Questions:

I would like to ask two more questions, both of which I would like, if I may, Mr. Chairman, to have them answered in writing at a subsequent time by the Staff, rather than at this time.

One, can the Staff, these other witnesses, please identify for us any other decisions that were made with regard to this plant in which this consideration, that is of the risks that the public would have if power were not available, were taken into account. And I am just using your words, Mr. Kniel.

And secondly, could you please provide us with a copy of the data which the staff analyzed in reaching this conclusion, its conclusion that (1) there is a risk to the public when this plant or if this plant is shut down; and (2) that this plant is a realistic source of dependable power.

Answers:

With respect to risk-benefit determination and the Regulatory Staff safety evaluation of the Indian Point Unit 2 application, the AEC Staff position is as stated on p. 905 of the transcript which was offered as Staff testimony in response to Dr. Geyer's question (p. 487 of the transcript). This statement is repeated below.

"The risk-benefit determination regarding reactors is not made, and should not be made, in individual licensing proceedings. Such a determination is, in the first instance, made by Congress and, after public hearings and debate in which all points of view may be presented, reflected in the Atomic Energy Act of 1954, as amended (Act). This determination is made, in the second instance, by refinement of the generalized legislative determinations, through rule making proceedings where substantial public input is again obtained. The essential elements of the risk-benefit determination are found in 10 CFR Part 20, 50, and 100 of the Commission's regulations."

During the cross examination of Staff witness Kniel, Counsel for the Intervenor, A. Roisman, used a portion of the proposed Technical Specifications (Paragraph 3.9A on Page 3.9-1) as an example of a risk-benefit determination alleged to have been made by the Staff during the review of the Indian Point Unit 2 application where the risks associated with a slightly increased radioactive effluent release rate were balanced against risk associated with a loss of power from the plant. This portion of the Technical Specifications is reproduced as follows:

"It is expected that releases of radioactive material in effluents will be kept at small fractions of the limits specified in 20.106 of 10CFR20. At the same time the licensee is permitted the flexibility of operation, compatible with considerations of health and safety, to assure that the Public is provided a dependable source of power even under unusual operating conditions which may temporarily result in releases higher than such small fractions, but still within limits specified in 20.106 of 10CFR20. It is expected that in using this operational flexibility under unusual operating conditions the licensee will exert his best efforts to keep levels of radioactive material in effluents as low as practicable."

The quoted language in the Technical Specifications did not result from a Staff risk-benefit determination made specifically for the Indian Point Unit 2 application but was excerpted from the Commission's Regulations in Title 10 of the Code of Federal Regulations Part 50, Paragraph 50.36a entitled "Technical Specifications on Effluents from Nuclear Power Reactors", subparagraph (b). The risk-benefit determination implicit in the quoted passage was made as a part of the Commission's rulemaking process. As pointed out in the Staff's answer to Dr. Geyer's question on benefit-risk decisions repeated above, risk-benefit determinations are not made in individual licensing application safety reviews.

With regard to any other restrictions or requirements that appear in the Technical Specifications, they represent a definition of an "envelope" of conditions within which, in the Staff's judgment, the plant can be operated safely and within the conditions considered in the safety evaluation in accordance with regulatory requirements. Some requirements which appear in the Technical Specifications result from engineering judgements based on previous operating experience, analysis, or anticipated operating conditions rather than upon risk-benefit determinations made during an individual licensing review. Examples of requirements appearing in the Technical Specifications that are determined in this manner are Specifications 3.1-F, Leakage of Reactor Coolant and Specification 3.3, Engineered Safety Features.

In Specification 3.1-F the use of a very stringent limitation on allowable leakage, to reduce offsite exposure and increase the capability to detect incipient failures in the primary system, is tempered by the experience gained with actual systems of all kinds where some leakage is always present.

Specification 3.3 states the requirements for operability of engineered safety features during reactor operation. Recognition is given the fact that certain engineered safety features may be discovered to be inoperable during reactor operation. Since a repair can often be completed during the period of time necessary to place the reactor in the hot or cold shutdown condition, and since a shutdown transient may be considered a more severe operating mode than continued operation at power, specific out of

service times for various engineered safety features or components are listed in this specification.

With respect to the second question posed by the Intervenor, the Staff has not analyzed any data regarding risks to the public with respect to loss of power generation in the event that the Indian Point Unit 2 plant is shutdown, and no data have been analyzed nor any conclusions drawn regarding Indian Point Unit 2 as a realistic source of dependable power. These matters are not required to be considered in our safety review.