

BEFORE THE  
UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
CONSOLIDATED EDISON CO. )  
OF NEW YORK )  
(Indian Point, Unit No. 2) )

*410-72,*  
Docket No. 50-247

CITIZENS COMMITTEE FOR PROTECTION  
OF THE ENVIRONMENT  
MOTION TO REQUIRE  
APPLICANT AND STAFF  
TO SUBMIT EVIDENCE

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Subsequent to the conclusion of the hearings on radiological safety held in December, 1971, several matters have arisen for which evidence must be introduced in order for the Board to have a complete evidentiary record. The purpose of this motion is to compel the Staff and the Applicant to introduce whatever evidence they have that is relevant to these several issues.

We request the Board to order the Applicant and the Staff to introduce into evidence at the next hearing session all data within their possession, including the oral testimony of qualified witnesses, which is relevant to the following matters:

1. The reason for the changes being made in the steam safety valves including a detailed description of deficiencies, the reason they were undetected previously and a detailed description of the repairs and methods for verifying their accuracy. (Letter from Mr. Trosten to ASLB dated April 1, 1972)
2. The plans and reasons for conducting transient tests involving loss of power to reactor coolant pumps or, if no

such tests are to be run a detailed explanation by the Staff and the Applicant as to the reason the tests will not be run. (Letter from Staff (R. C. DeYoung) to Applicant dated January 7, 1972)

3. With respect to repairs of the plant as a result of the fire a description of all tests and the results which were run subsequent to December 14, 1971 where a) the results were in any respect inconsistent with the Applicant's testimony regarding the extent of the fire damage, its cause or its consequences, b) where repairs other than those described as having been made or to be made in its December 14 testimony were necessary and c) a description of tests and the results where repairs which were made (and not previously described) resulted in the plant as now built being different than plant as previously designed. (Letter from Citizens Committee for Protection of the Environment to ASLB dated January 19, 1972 and all letters from Applicant to ASLB regarding status of fire repairs)
4. Staff only. The basis for any conclusions reached on Applicant's proposed design change for the drain system for the moisture separator reheaters including a description of how the operation of these drains relates to plant operation, the problems encountered with these drains at

other plants and the adequacy of the "fix". (Letter from Applicant to ASLB dated March 29, 1972)

5. A full description of all steps to be taken to eliminate the danger of borated reactor coolant causing corrosion related particularly to problems of this type encountered elsewhere and the adequacy of the "fix". (Letter from Staff (R. C. DeYoung) to Applicant dated February 9, 1972)
6. A full report on the allegations contained in the letter from Pennsylvania Engineering Corporation regarding plant safety including disclosure of all relevant documents and drawings including those examined by the Staff and the Applicant in their review, the reason why these charges were not brought to the attention of Applicant, the Staff, the Board and the parties earlier and a detailed explanation of the proposed action to be taken as a result of the investigation and the basis for it. (Letter from Pennsylvania Engineering Corporation to L. Manning Muntzing dated March 14, 1972)

The data requested relates to matters contained in correspondence included in the public record of this proceeding and reference to which follows each numbered paragraph. As to each matter both the Staff and the Applicant have developed or are developing data with reference to the matter. Each of the matters relates to the ultimate issues in this proceeding of whether the plant has been constructed in substantial compliance with the construction permit and whether the plant will operate safely. The Board cannot fulfill

its responsibility in resolving these issues unless the data is disclosed. The parties cannot properly focus the Board's attention on matters of concern to them unless the pertinent data is disclosed.

We have attempted to obtain some of this data informally from the Applicant with some success. However, in some areas, notably item 1, the Applicant has expressed some reluctance to provide us with data. In any event, we believe these are matters which warrant the Board's direct examination and thus the data should be disclosed on the public record and not just for our perusal.

We are making this motion in the hope that the Board will issue an order soon requiring that the pertinent data be brought forth in sufficient time to permit its examination prior to the May 17 hearing. The hearing on that date could then dispose of these several matters without any delay in the proceeding. If the Applicant and the Staff resist the Motion and the Order the result will be a delay in developing the full record required and a delay in ultimate resolution of the issues. We want the record to be clear now that if such a delay develops it will be the Applicant and the Staff who are at fault.

During the hearing on April 5, 1972, we discussed the importance of the data sought here and its undoubted relevance to the matters involved in this proceeding. It is not up to the Applicant and the Staff to decide what issues warrant Board review or the examination by intervenors. If not the Applicant, certainly the