

5/24/71

BEFORE THE  
UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )

CONSOLIDATED EDISON COMPANY )  
OF NEW YORK (Indian Point, )  
Unit No. 2) )

Docket No. 50-247

REQUEST TO THE STAFF FOR PRODUCTION  
OF DOCUMENTS BY THE CITIZENS COMMITTEE  
FOR PROTECTION OF THE ENVIRONMENT

In a letter dated April 27, 1971, to the Joint Committee on Atomic Energy the Chairman of the AEC, Glenn T. Seaborg, stated:

One of the engineered safety features provided on current nuclear power plants to mitigate the consequences of postulated loss-of-coolant accidents is redundant emergency core cooling systems (ECCS). The use of recently developed, improved techniques for calculating fuel cladding temperatures following postulated loss-of-coolant accidents, and the results of recent preliminary safety research experiments have indicated that the predicted margins in ECCS performance may not be as large as those predicted previously. A senior task force, established earlier this year by the Director of Regulation to provide overall management review of important safety issues, is conducting an extensive evaluation of all the information on ECCS performance with input from reactor manufacturers and AEC laboratories. The task force is reviewing the state of present knowledge regarding ECCS effectiveness for current plant designs and is considering what additional information is needed and whether other short-range and long-term steps should be taken to assure the adequacy of ECCS performance. Pending completion of this review, we anticipate that there will be delays in the licensing of some plants now under consideration.

In this statement the Chairman refers to "recent preliminary safety research experiments" relating to the emergency core cooling system performance in a loss of coolant accident. The data contained in those experiments is directly related to the issues raised in this proceeding by the Citizens Committee. Answers to questions H-44 and H-55 have been deferred by the Staff pending a re-evaluation of the emergency core cooling system. See April 29, 1971, letter of Staff to the Board. Although the Staff has been extremely reticent on this subject it is apparent that the re-evaluation being undertaken is the one referred to in Chairman Seaborg's letter to the Joint Committee on Atomic Energy. See also the quotation from unidentified AEC official sources in Nucleonics Week for May 6 and May 13, 1971.

The Citizens Committee believes that it is entitled to see the test results and analysis of those test results upon which the re-evaluation is being conducted and further that it is entitled to receive a complete list of all documents being considered in the re-evaluation by the senior task force, the participating parties, and a detailed description of the nature of the task force review. Obviously if there is new data relating to the emergency core cooling system which in any way reduces the "predicted margins in emergency core cooling system performance" it is relevant to the safety issue in this proceeding. The new data consists not only of the tests by the analysis of those tests by the AEC and the senior task force.

This request for documents also applies to the Document "An Evaluation of Anticipated Operational Transients in Westinghouse Pressurized Water Reactors" listed in the AEC answer to Additional Question 2, Set I, filed by the Staff on May 12, 1971. The relevance of the document requested is apparent from the fact that test results contained in the document were specifically referred to by the Staff in the Safety Evaluation (page 47) as being part of "additional study [that] is required" of the question of potential common mode failures which could negate scram action and design features to make tolerable the consequences of failure to scram during anticipated transients. It is also clear from the Applicants answer to Question B-20 that the documents contain the most advanced analysis of this problem.

With respect to the request for this latter allegedly proprietary document we realize that pursuant to 10 CFR Part 2, Section 2.744(e) the propriety of its production may be subject to review by the Appeals Board. Rather than postpone resolution of the issue we would be agreeable to the following procedure. First, a copy of the proprietary document is made available to all members of the Board for the purpose of substantive review. Second a non-proprietary version of the document is made available to the Citizens Committee which indicates the place in the text where proprietary material has been removed, the number of lines

of such proprietary material and a short statement of the kind of information contained in the deleted material. Third, pursuant to a proposal for limited release of proprietary material for non-public review by the Citizens Committee, a copy of the unedited document be made available for the review of the counsel for the Citizens Committee and one scientific person approved by Westinghouse. In the latter case the review would not occur unless requested and unless those reviewing the document signed the necessary agreements respecting disclosure. This suggested procedure should greatly expedite the process and hopefully will avoid the need for a request that the cloak of secrecy be removed from the document in order to supplement the record in this proceeding.

The Staff Safety Evaluation for the Midland Nuclear Plant (Units 1 and 2) (Consumers Power Co., Docket Nos. 50-329 and 50-330) (p. 35) indicates that the iodine removal system for that pressurized water reactor will be an alkaline sodium thiosulfate solution and approves the system. In answer to interrogatories propounded by the Saginaw Intervenors in that proceeding, Consumers Power Company on April 13, 1971 submitted as part of the Answer to Interrogatory No. 5 the following:

Sodium thiosulfate is the most effective reagent tested in these Iodine Removal Spray tests.

In the answer to Interrogatory No. 6, Consumers Power Company refers to a Babcock and Wilcox Topical Report BAW-10017 (Rev. 1)

"Stability and compatibility of Sodium Thiosulfate Spray Solutions" PROPRIETARY upon which this conclusion is apparently based. In light of the apparently contrary testimony of Mr. Wilson Fletcher of Westinghouse at the Hearing in this proceeding on May 13, 1971, with regard to the relative effectiveness of sodium thiosulfate and sodium hydroxide, it is relevant to have available in this proceeding the tests and analysis upon which the Staff and the Applicant relied in the Midlands proceeding in reaching their conclusions about sodium thiosulfate and in rejecting the exclusive use of sodium hydroxide. To the extent that the data is proprietary the procedure suggested for the Westinghouse report, supra., should be applied.

Because of the fragmentary information now available regarding the recent emergency core cooling system tests and the review now being undertaken, it is not possible for the Citizens Committee to make its request for documents more precise at this time. We are confident that the Staff is fully aware of the documents and material which we seek and trust that they will at least provide precise titles for each document. Furthermore, before the Citizens Committee completes its case in this proceeding it will request that the analysis of this new data and all documents relied upon in that analysis be produced. At this moment the representatives of hardware developers and perhaps even the Applicant are in close consultation with the

AEC senior task force. They are discussing a matter of utmost importance to this proceeding. All aspects of those discussions must be subject to scrutiny. It would be naive to assume that there are not great pressures being brought to bear to expedite the re-evaluation and to produce a favorable report. We do not dispute that those pressures are coming from highly qualified technicians who honestly believe that the recent tests do not justify any conclusion adverse to the approval of licenses for nuclear power plants. But this entire hearing process is premised upon the recognition that public scrutiny of these matters before an impartial board is a necessary part of the review process. That scrutiny and impartial review cannot occur if the only data available is the conclusions of an indepth review, particularly a review which has occurred with the participation of those who have a vested economic interest in a favorable report and without the participation of the public.

We believe the Staff can expedite this proceeding by taking an open and candid attitude with respect to the data requested and by making such data available to the Citizens Committee and the Board as soon as it is prepared so that our review can, to some extent, coincide with, and not merely follow, the review of the senior task force. In particular the documents here requested are:

1. All recent tests and analysis of tests conducted with respect to the emergency core cooling system and referred to in the April 27, 1971 letter from Chairman Seaborg to the Joint Committee on Atomic Energy.

2. A list of all documents and other data considered by the senior task force which is re-evaluating the emergency core cooling system, the list to be up-dated as required and a detailed description of that review.

3. The analysis and conclusions of the senior task force with respect to its review of the emergency core cooling system.

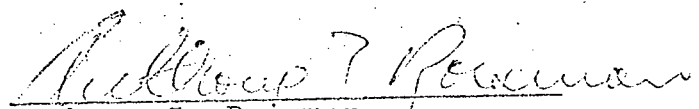
4. An Evaluation of Anticipated Operational Transients in Westinghouse Pressurized Water Reactors dated March 5, 1971.

5. All data relied upon by the Staff and Consumers Power Company in adopting and approving the sodium thiosulfate for the iodine removal system for the Midlands Nuclear Plant.

Respectfully submitted,

BERLIN, ROISMAN AND KESSLER

By

  
Anthony Z. Roisman  
Counsel for Citizens Committee  
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May 24, 1971

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Request to the Staff for Production of Documents by the Citizens Committee for Protection of the Environment, were mailed, postage prepaid, this 24th day of May, 1971 to the following:

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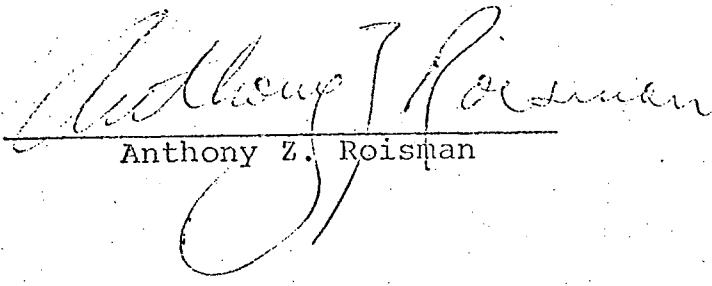
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