

BEFORE THE
UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC., (Indian) Docket No. 50-247
Point Station, Unit No. 2))

CITIZENS COMMITTEE FOR PROTECTION
OF THE ENVIRONMENT'S
RESPONSE TO APPLICANT'S MOTION
REGARDING FURTHER CONSIDERATION
OF RADIOLOGICAL HEALTH
AND SAFETY ISSUES

Citizens Committee For Protection of the Environment is fully aware, (having been the principal proponent of) of the obligation to precede any hearing by a clear statement of contentions. The filing of such contentions, prior to closing of the evidentiary record, will, if the contentions are meritorious, result in further evidentiary hearings. See Matter of Point Beach No. 2, Docket No. 50-301, ALAB-86.

With respect to the four outstanding radiological issues, we will provide contentions when we have completed our review. The Staff review of the fuel densification question took 6 months before they stated their general position in the fuel densification report on November 14, 1972. The Applicant here completed

later
its review more than two months/on January 23, 1973 on which date it forwarded its Fuel Densification Report to the Board and the parties. Citizens Committee for Protection of the Environment will not be railroaded by Applicant's Motion into hastily reviewing these documents. Obviously, we will need and shall take more than the Applicant's suggested two weeks for review.

This week the hearing on fuel densification for Point Beach No. 2 will commence. ^{1/} Shortly after conclusion of that hearing we will state our penultimate contentions on fuel densification and identify relevant portions of the record in the proceeding which should be incorporated by reference in this case. Our ultimate statement of contentions will have to await the presentation of the Staff position on fuel densification in Indian Point No. 2. No such position has been taken at this time.

^{1/} In that proceeding the Staff now supports a full power license as long as fuel rod collapse is assumed to occur after 12,000 hours of operation. Affidavit In Support of Motion For Summary Judgment p. 7, (Point Beach No. 2, Docket No. 50-301) January 28, 1973. This will mean either core replacement after 12,000 hours of operation or reduced power levels. See Fuel Densification Report, November 14, 1972, p. 71-72. The consequence of either of these major modifications will be to significantly alter the economic cost of the plant and the subsequent cost-benefit analysis. In addition, the uncertainty in peak clad temperature computation in the event of a LOCA which is introduced by the fuel densification problem will alter the Staff's risk evaluation in the FES. Both of these consequences are likely to occur here when the Staff takes a formal position on fuel densification for Indian Point No. 2.

With respect to the problem of reactor pressure vessel rupture we are awaiting the completion of Dr. Wechsler's report, a draft of which was first released by the AEC within the last few months, and the submittal by Applicant of all of the answers to questions by the Hearing Board (Tr. 7431-33).

At this point we can state our contentions with respect to the steam line rupture analysis and the problem of thin-walled valves:

1. Based upon the data contained in the December 19, 1972, letter to Consolidated Edison from the Regulatory Staff (as supplemented by its January 24, 1973 letter), both letters should be included in the record of this proceeding to prove that the Applicant has failed to establish that it complies with Design Criterion No. 4 of 10 CFR Part 50 Appendix A. In particular, Applicant has not proven that due to the location of the main steam feedwater lines a pipe rupture of either of those lines can not damage the auxiliary feedwater system.

2. Based upon the data contained in the Regulatory Staff letter to Consolidated Edison of June 22, 1972, to which no substantive response has been filed by Consolidated

Edison (at least none has been served on us)^{2/}, the letter should be included in the record in this proceeding to prove that the Applicant has not sustained the burden of proving that the wall thicknesses of valves important to nuclear safety meet applicable codes and standards.

Applicant asserts that any safety problems which are common to many plants are therefore not pertinent to the safety review of this plant.^{3/} (Motion, p. 9) This view is erroneous. This Board must be satisfied that Indian Point No. 2 is safe. The

^{2/} Applicant asserts that on August 7, 1972, a copy of its July 21, 1972 letter was mailed to us. We have no record of receipt but assume it was sent. That letter, which we located in the Public Document Room, is not a substantive response. It does not resolve the problem, but merely acknowledges the problem and sets forth a method for identifying thin-walled valves (a method not yet approved by the Staff). The letter asserted that results would be ready by August 31, 1972. None have been filed to our knowledge. Apparently problems have arisen. The substantive response establishing that no problems exist or that all problems have been corrected has not been filed, presumably because Applicant cannot prove that there are no problems.

^{3/} Applicant mischaracterizes the Staff letter on steam and feed-water lines as showing an "interest" in an area and as merely requesting data to determine if a problem exists. (Motion, p. 9) What the Staff said speaks for itself and clearly contradicts this view. (December 19, 1972, letter to Con Ed, p. 2):

(cont'd on page 5)

fact that data which raises further doubts that Indian Point No. 2 is safe arises late in the hearing does not make it less relevant. Nor does the so-called good cause concept have any applicability. The record has not been closed. The issues are still very much with us. Fuel densification and steam and feedwater line ruptures arose only recently. The Board has continuously kept the record open on the reactor pressure vessel issue and clearly desires that this area be further clarified. The thin-walled valves were to have been resolved by August 31, 1972 according to Applicant (letter dated July 21, 1972). If that had occurred on schedule and we had been advised, we would have formulated a position at once. Applicant is now five months late in stating its own position on the unresolved question of thin-walled valves. Applicant must first determine how many of these valves it has and what it intends to do about them before we can take a position in any more detail than what we have done here. Applicant's tardiness

3/ (cont'd from page 4)

We note however that the auxiliary feedwater pumps are located in an enclosure adjacent to the main steam and feedwater line containment penetrations. From this it appears that damage to the auxiliary feedwater system might result from a postulated pipe failure in the main steam or feedwater lines.

has caused us to wait. Now we believe Applicant has no answer to the problem and that a contention such as the one set forth above is appropriate.

We find much irony in Con Ed's position. They urge us to be specific in our contentions even though they have yet to take a position on the steam and feedwater lines and the thin-walled valves. We should at least await their proposal prior to any further specification.

Respectfully submitted,



Anthony Z. Roisman
Counsel for Citizens Committee
for Protection of the Environment

Dated: February 6, 1973