

Sidney G. Kingsley, Chairman
Atomic Safety and Licensing Appeal Board
U. S. Atomic Energy Commission
Washington, D.C. 20545

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

Dear Mr. Kingsley:

In a November 28, 1972, letter to Mr. Alan Rosenthal, Chairman of the Atomic Safety and Licensing Appeal Panel, counsel for the Citizens' Committee for the Protection of the Environment has asserted that the March 10, 1972, decision of the Appeal Board (ALAB-46) in the above-captioned proceeding was factually in error.

To support this assertion, counsel first cites the testimony of Dr. Stephen Hanauer, presenting the view of the regulatory staff, and also a passage in Chapter 20 of the staff's rebuttal testimony. Counsel then finds that these examples stand in "factual" contradiction to that part of the Appeal Board's decision dealing with fuel clad swelling and rupture and attendant flow channel blockage.

When the Commission promulgated on June 29, 1971, its Interim Policy Statement regarding Criteria for Emergency Core Cooling Systems for Light-Water Power Reactors, it set forth various ECCS criteria and also three acceptable ECCS evaluation models; it made no mention, however, of possible effects of flow blockage on peak clad temperatures.

Interpreting this Policy Statement, the Appeal Board noted certain information which the Commission had before it when it approved the three models and, in the opinion of the staff, correctly concluded that at the time the Commission published the Interim Criteria, it did not feel that a case-by-case review of possible flow channel blockage arising from fuel clad swelling and rupture was necessary.

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In the course of the ECCS Rule Making Hearing (RM 50-1) held subsequently to review the Interim Criteria, the regulatory staff has testified in detail and, in some instances, has suggested that parts of the Criteria be revised. That the staff has done so, however, does not mean that interpretations of the Commission's Interim Policy Statement are "factually" in error and should be revised forthwith. The Commission, in reviewing the record of RM-50-1 to determine whether some revision of the Interim Criteria is in order, will take into consideration opinion and information from sources other than staff.

The staff feels, therefore, that the Appeal Board's interpretation of the Commission's Interim Policy Statement is correct as stated in ALAB-46 and should not be revised in light of the many developments pending in ECCS hearings.

Sincerely,

Myron Karman
Counsel for AEC Regulatory Staff

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