

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC AND LICENSING APPEAL BOARD

In the Matter)

CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)

(Indian Point Station, Unit No. 2))

8-25-72
Docket No. 50-247

AEC REGULATORY STAFF SUPPLEMENTAL RESPONSE TO CITIZENS'
COMMITTEE FOR THE PROTECTION OF THE ENVIRONMENT EXCEP-
TIONS TO INITIAL DECISION ISSUED ON JULY 15, 1972

On August 17, 1972, the regulatory staff filed a response to the Exceptions filed by the Citizens' Committee for the Protection of the Environment to the Initial Decision issued by the presiding Atomic Safety and Licensing Board in subject proceeding. In our covering letter forwarding the staff response, we advised the Appeal Board that a supporting affidavit from Dr. Donald Knuth, Assistant Director for Reactor Safety, Directorate of Licensing, U.S. AEC, would be filed at a later date. Dr. Knuth's affidavit is attached hereto and we request that it be considered as part of this response.

In the August 17, 1972 response, the regulatory staff took the position that the intervenor's request to the Appeal Board to stay the issuance of an operating license and to re-open the hearing record with respect to "recently discovered data" concerning the integrity of fuel rods, which was included in the intervenor's exceptions to the Initial Decision, should be denied on the grounds that there is

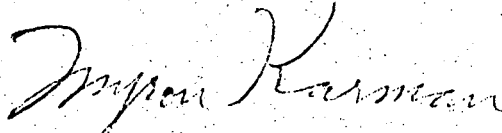
no safety problem associated with fuel anomalies of the type identified in the Ginna facility with respect to operation of the Indian Point Unit No. 2 facility at power levels up to 50% of full power for purposes of the proposed testing of the facility.

Subsequent to the identification of fuel anomalies of the type noted at the Ginna facility, information has been received from the applicant in the proceeding and its nuclear steam supply system supplier regarding the problem. Further information is expected to be received from the applicant and the supplier. The regulatory staff's evaluation of this information will be completed in the near future. Pending completion of the evaluation, the regulatory staff has concluded that the proposed operation of the Indian Point Unit No. 2 facility, at power levels up to 20% of full power for purposes of the proposed testing, would not result in any safety problem. The basis for this conclusion is contained in the attached affidavit of Dr. Donald F. Knuth.

The above-stated position of the regulatory staff reflects a change of position from that set forth in its response of August 17, 1972. This change of position is based on the regulatory staff's view that, pending the completion of the evaluation discussed above and under the circumstances of this proceeding, a more limited power operation is warranted. This position should not, however, be construed as indicating that operation of either Indian Point Unit No. 2 or a similar facility at power levels above 20% would necessarily result in safety problems.

For the foregoing reasons, intervenor's request to stay the issuance of an operating license authorizing operation of Indian Point Unit No. 2, at 20% of full power for testing purposes and to re-open the hearing should be denied. To the extent that the request is directed to operation in excess of 20%, we would urge the Appeal Board to hold in abeyance any action on that portion of the intervenor's request pending the completion of the regulatory staff's evaluation and the submission to the Appeal Board of a supplemental response reflecting the regulatory staff's position regarding operation of the Indian Point Unit No. 2, at power levels above 20% of full power.

Respectfully submitted,



Myron Karman
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 25th day of August, 1972

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

CONSOLIDATED EDISON COMPANY OF NEW
YORK, INC.

(Indian Point Station, Unit No. 2)

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Docket No. 50-247

AFFIDAVIT OF DONALD F. KNUTH

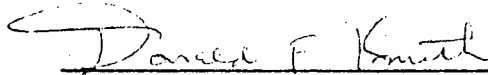
I, Donald F. Knuth, being duly sworn, depose and say:

1. That I am Assistant Director for Reactor Safety, Directorate of Licensing, U. S. Atomic Energy Commission, Washington, D. C. 20545;
2. That I am responsible for the review currently being conducted by the AEC regulatory staff concerning fuel anomalies of the type recently identified at the Robert A. Ginna Facility of the Rochester Gas and Electric Company (U. S. AEC Docket No. 50-244);
3. That I have discussed the current proceeding in the captioned matter with Mr. Karl Kniel, Branch Chief, PWR Branch #2, U. S. AEC Directorate of Licensing, who is responsible for supervising the review of the application of Consolidated Edison

Company of New York for a license to operate the Indian Point Unit No. 2 facility and that Mr. Kniel has described to me the proposed operation of the Indian Point Unit No. 2 facility at power levels up to 20% of full power for the purposes of the proposed testing of the facility;

4. That it is my conclusion that the proposed operation of the Indian Point Unit 2 facility at power levels up to 20% of full power for purposes of the proposed testing would not result in any safety problem;
5. That this conclusion assumes that the anomalous behavior of the fuel which was experienced at Ginna is applicable to the Indian Point Unit 2 facility. Although operation at power level of 20% of full power could result in fuel densification, operation of the Indian Point Unit 2 facility for a period well in excess of that associated with the proposed testing program, would be necessary in order to develop cladding collapse as experienced at the Ginna facility. In addition, the other effects of fuel densification, such as power peaking due to any axial gaps and any increase in radial clearances, do not have safety significance at the 20% power level.

6. That the foregoing statements are true and correct to the best of my knowledge and belief.



Donald F. Knuth

Subscribed and sworn to before me
this 22 day of July, 1972.

Notary Public
STATE OF MARYLAND, COUNTY OF
MONTGOMERY

My Commission expires July 1, 1974

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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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CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff Supplemental Response to Citizens' Committee for the Protection of the Environment Exceptions to Initial Decision Issued on July 15, 1972," dated August 25, 1972, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 25th day of August, 1972:

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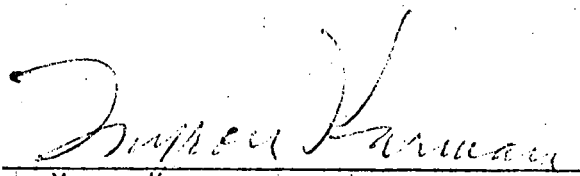
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Myron Karman
Counsel for AEC Regulatory Staff