

B. LIN, ROISMAN AND KESSLER
1712 N STREET, NORTHWEST
WASHINGTON, D. C. 20036

DOCKET NUMBER
PROD. & UTIL. FAC. 50-247

AREA CODE 202
PHONE 833-9070

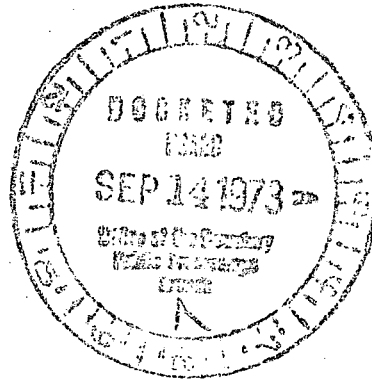
EDWARD BERLIN
ANTHONY Z. ROISMAN
LADYS KESSLER
AVIG R. CASHDAN
MARIN P. SHELDON
QUART M. BLUESTONE

September 13, 1973

Samuel W. Jensch, Esq.
Chairman
Atomic Safety & Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. John C. Geyer, Chairman
Department of Geography and
Environmental Engineering
The Johns Hopkins University
Baltimore, Maryland 21218

Mr. R. B. Briggs, Director
Molten-Salt Reactor Program
Oak Ridge National Laboratory
P. O. Box Y
Oak Ridge, Tennessee 37830



Re: Consolidated Edison Company of
New York (Indian Point, Unit No. 2)
Docket No. 50-247

Gentlemen:

Enclosed is the Citizens Committee for Protection of the Environment's Exhibit AA. Two copies have been provided to the reporter for submittal to the Public Document Room. All other parties who want copies have either previously received them or are receiving them with this letter.

In our view this Exhibit and the testimony of Mr. Brunner on September 12, demonstrate that Indian Point No. 2 is not presently in compliance with its Technical Specifications, with

8110280482 730913
PDR ADOCK 05000247
G PDR

Regulatory Guide 1.33 and with 10 CFR Part 50, Appendices B and E. The current deficiencies are in the quality assurance emergency plan and security areas and include inadequate documentation for required procedures, confusing procedures and failure to follow required procedures. While some of these violations have been corrected many still remain unresolved on the record. These include several items listed in RO 73-09 and RO 73-14 as well as the security items in RO 73-06 and the emergency plan deficiencies in RO 73-10. Despite years to develop and implement a proper quality assurance program and despite the allegedly high calibre and large number of nuclear employees at Con Ed, there are still many important QA matters that have not been completed. It may be that New York City is ready for Indian Point No. 2 but Indian Point No. 2 and Con Ed are not ready. No further license should be issued until the QA problems are solved.

The documents and testimony of Mr. Brunner also demonstrate that present training methods for Con Ed employees are not working. "Callous" behavior, failure to follow standard procedures, disregard of printed signs and similar deficiencies establish that something is wrong. Applicant should be required to produce a new training program which includes actual tests of all personnel and this should be evaluated by the Board. In addition the specific steps which are taken against employees who violate procedures and the method of publicizing these possible actions to employees should be spelled out and evaluated to see if they are effective.

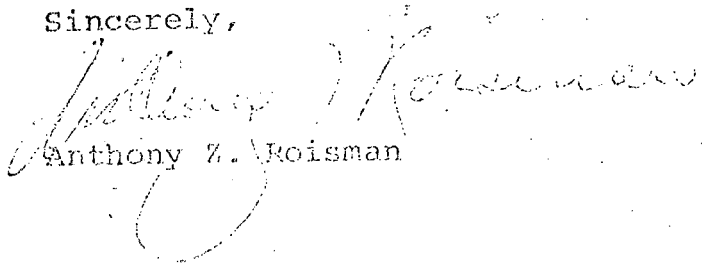
The present status of the investigation of the failure of Valve 204B leaves more questions than answers. How did two valves which were subjected to the detailed QA procedures outlined in RO 73-09 (Section II, paragraph 2) pass as approved where each contained a disqualifying defect? To what extent does the answer to the question suggest that other valves subjected to similar scrutiny may contain undetected defects? Why were not all valves which were similarly inspected reexamined? These and many other questions could not be answered by any Staff witness on September 12. Further testimony should be required to answer these questions. Until the answers are provided, Con Ed has not established that there is reasonable assurance that the plant has been constructed as required by the construction permit or the Technical Specifications because it may contain other defective valves and may have been constructed using a QA program (of Con Ed or its vendor) which was unable to detect defects in valves.

Deficiencies in emergency drill procedures were uncovered in Spring, 1973. The record does not disclose that the deficiencies have been corrected. The Board's approval of the plants emergency plan in its Initial Decision assumed the plan functioned properly. Its latest decision was reached several months after the deficiencies were uncovered but contrary to the rule laid down in Duke Power Company (ALAB-143) (Slip. op., pp. 9-10), the Board was never notified of that deficiency or any of the deficiencies contained in the RO Reports in CCPE Ex. AA. Until those deficiencies are corrected the plant is not in compliance with 10 CFR Part 50, Appendix E.

With the plants present design a freeze-up in the refrigerant dryer line will result in a total failure of the plant air supply system. (RO 73-11, p. 8). Con Ed and the Staff recognize the problem and corrective steps are to be taken but have not been taken. Until these corrective steps are taken it is clearly improper to allow Indian Point No. 2 to operate.

We realize the mounting pressure to have an end to this proceeding and we share it wishing it could end. The fact is Con Ed is not ready for an operating license. The defects in QA and other plant programs detailed in CCPE Ex. AA and the unresolved questions raised by the documents in that exhibit are not only important with respect to the subject matter of the deficiency but are danger signals of deeper problems at Indian Point No. 2. These symptoms can only be dismissed if and when the real cause of the deficiencies are uncovered. The Staff investigation has either not sought or has not yet discovered the real cause of the deficiencies noted. Until those causes are uncovered and examined this Board should refuse to authorize further operation of Indian Point No. 2. At a minimum the record now shows non-compliance with Commission Regulations, Regulatory Guides and Technical Specifications. Further operation of this plant is illegal.

Sincerely,


Anthony Z. Roisman

AZR/ah

CC: All parties of record with enclosure only to
New York Atomic Energy Council.