

BERLIN, ROISMAN AND KESSLER

1712 N STREET, NORTHWEST

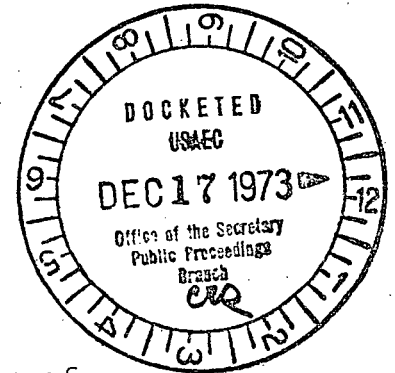
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December 11, 1973

Mr. John F. O'Leary, Director
Directorate of Licensing
U. S. Atomic Energy Commission
Washington, D.C. 20545



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

Dear Mr. O'Leary:

This letter is written in response to Applicant's Proposed Changes 4 and 5 copies of which we first received today. The Citizens Committee for Protection of the Environment has no objection to Items 1 and 3 of Proposed Change 4. As to all other matters we believe more data is required and should be made available to the Regulatory Staff and to us prior to any action on those proposals.

With respect to Item 2 of Proposed Change 4, Applicant does not provide any detailed safety analysis to support its assertions that in the higher proposed cold shutdown "there is no likelihood of the occurrence of an accident which would release fission products or damage fuel elements" and that "the occurrence of an accident" will not be "any more probable". Without the factual bases for these conclusions and the analysis disclosed we cannot adequately evaluate the requested change. We therefore urge you to request the Applicant to submit the additional data and postpone any decision on Item 2 of the proposed change until after receipt of the data and a period for study and comment.

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Proposed Change 5 is essentially a change to reduce Applicant's costs. See Adams Report, pp. 11-12. It rests exclusively on the Adams Report but neither Mr. Adams' qualifications nor his task assignment are disclosed. If his task were to make the best case for the proposed change, then the value of his report is substantially reduced. We believe his qualifications and the task which was assigned to him should be publicly disclosed before the Regulatory Staff takes any action.

The report itself makes a case for adding the 25°/70% humidity test to the present test but does not, except for economic consideration, make a case for abandoning the accident condition tests. The premise of the report is that Oak Ridge has established the basic effectiveness of the filters and no further testing at accident conditions are required. Rather than speculate on the implications of the Oak Ridge work we believe Oak Ridge should be consulted and that their views and the factual basis for those views should be publicly disclosed prior to any action by the Regulatory Staff.

We appreciate this opportunity to comment on these proposed changes and wish to be kept advised of all oral and written communications on these matters.

Sincerely,


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

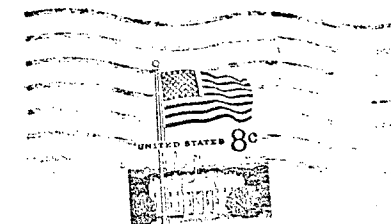
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cc: All parties of record.

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