

10-5-73

BEFORE THE
UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING APPEAL BOARD

In the Matter of

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

CITIZENS COMMITTEE FOR
PROTECTION OF THE ENVIRONMENT
EXCEPTIONS TO INITIAL DECISION

1. It was error to conclude that the proximity of Indian Point #2 to a large population center was not a matter of special safety significance warranting further inquiry into the integrity of the reactor vessel and the need for protection against its failure. (I.D. 5)^{*/}

2. It was error to conclude that CCPE had to make a special showing to entitle it to present evidence to demonstrate that a pressure vessel rupture at Indian Point #2

*/ Identifies the page of the Initial Decision where the ruling complained of was made.

Hearing

is sufficiently likely to require that designs to cope with it be provided. (Commission Order, October 26, 1972)^{*/}

3. It was error to conclude that there is reasonable assurance that the reactor vessel for Indian Point #2 can be operated without undue risk to the health and safety of the public. (I.D. 6)

4. It was error to fail to determine whether the requirements of Design Criterion 35 had been met. (I.D. 12, I.D. (50%)^{**/} 21)

5. It was error to approve operation of the reactor without considering evidence offered to establish the inadequacies in the Interim Acceptance Criteria. (I.D. 12, 117; I.D. (50%) 21-22; ALAB-46, WASH-1218, 293).

6. It was error to conclude that the Interim Acceptance Criteria were validly adopted regulations binding on this proceeding. (ALAB-46, supra)

^{*/} Several decisions by the Appeal Board and by the Commission have determined issues in this proceeding. Exception is now taken to several of those decisions in order to clearly protect the right to judicial review. Unless specifically requested by the Appeal Board, CCPE will not brief these exceptions but will rely on its earlier briefs.

^{**/} Refers to Initial Decision authorizing 50% testing, issued July 14, 1972.

7. It was error to conclude that Indian Point #2 met the Interim Acceptance Criteria without considering the affects of flow blockage, rod swelling and bursting, rod embrittlement and steam binding in determining whether there is compliance or alternatively it was error to conclude that these factors did not have to be considered in determining compliance with the Interim Acceptance Criteria. (I.D. (50%) 21-22; ALAB-46, supra; ALAB-95 (RAI-73-1, p. 33)

8. It was error to conclude that reducing the peaking factor to compensate for fuel densification did not necessitate an examination of the adequacy of the Interim Acceptance Criteria. (I.D. 12)

9. It was error to conclude that the Applicant had an acceptable quality assurance program when no explicit finding was made that the Applicant was in compliance with 10 CFR Part 50, Appendix B or Safety Guide 33 (Regulatory Guide 1.33). (I.D: 17, 19)

10. It was error to conclude that the Applicant had an acceptable quality assurance plan when the real underlying cause of deficiencies in previously discovered defects in the plant were not disclosed and thus steps were not taken to prevent recurrence of similar problems. (I.D. 15-17)

11. It was error to conclude that Indian Point #2 had an adequate quality assurance plan and would operate as intended without receiving evidence in the hearing of the adequacy of quality assurance program and implementation of Applicant's vendors. (I.D. 17, 18, fn. 2, 19)

12. It was error to conclude that the Applicant has demonstrated a willingness and desire to adequately implement the quality assurance program. (I.D. 19)

13. Adequate changes have not been made to establish that the air-supply for the control valves will not totally fail as the result of the freeze-up of the freezer-dryer(s). (I.D. 20)

14. It was error to conclude that the plant was ready for immediate operation when Staff inspection reports disclose unresolved deficiencies at Indian Point #2 related to plant safety. (I.D. 18)

15. It was error to conclude that there is reliable, probative and substantial evidence of compliance by Applicant with standards and criteria established the Commission. (I.D. 23)

16. It was error to conclude that the sodium hydroxide-boric acid solution for the containment spray system was acceptable and that sodium thiosulfate should not be required. (I.D. 116; I.D. (50%) 26)

17. It was error to conclude that in the event of a design basis accident the iodine removal capability of Indian Point #2 is adequate to keep doses to the public below 10 CFR Part 100 guidelines. (I.D. 116; I.D. (50%) 27)

18. It was error to conclude that the plant security provided adequate protection to the health and safety of the public. (I.D. (50%) 33-34; I.D. 118)

19. It was error to conclude that the AEC regulations do not require that protection be provided against an armed bank of trained saboteurs intent on seriously damaging the plant and with sufficient knowledge to carry out that mission in a short time. (I.D. (50%) 33-34)

20. It was error to authorize operation of Indian Point #2 when it does not meet Safety Guide 17. (I.D. 118, 124-125)

21. It was error to authorize operation of Indian Point #2 when it did not meet certain pre-conditions for plant security imposed by the licensing board. (I.D. (50%) 33-34; I.D. 118, 124-125)

22. It was error to authorize operation of Indian Point #2 when it has not been established that in the event of a major accident radiological releases will not be kept as low as practicable. (I.D. 118, 124-125)

23. It was error to conclude that Indian Point #2 had an acceptable emergency plan without finding that it met the requirements of 10 CFR Part 50, Appendix E. (I.D. (50%) 36).

24. It was error to conclude that New York State officials have had sufficient experience in disasters to obviate the need for a specific plan for evacuation and for tests of that plan. (I.D. (50%) 36)

25. It was error to conclude that the New York State emergency plan was adequate when it was only designed to cope with accident consequences one-tenth as severe as those postulated for the design basis accident. (I.D. (50%) 35-36)

26. It was error to exclude certain design requirements on the basis that the event they were designed to cope with was incredible when no objective standard was established to determine a basis for judging an event incredible. (I.D. 21-23, 118)

27. It was error to conclude that Indian Point #2 was substantially completed in conformity with the Construction Permit, the Application as amended, the provisions of the Act and the rules and regulations of the Commission. (I.D. 121)

28. It was error to conclude that Indian Point #2 will operate in conformity with the application as amended, the provisions of the Act and the regulations of the Commission. (I.D. 122)

29. It was error to conclude that there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission. (I.D. 122)

30. It was error to conclude that Consolidated Edison is technically qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission. (I.D. 123)

31. It was error to conclude that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. (I.D. 123)

32. It was error to find compliance with the requirements of the Sections 102(C) and (D) of the National Environmental Policy Act and 10 CFR Part 50, Appendix D when the FES estimate of adverse consequences from accidents estimated population exposures substantially lower than those required for safety evaluations without disclosing the factual basis for the use of these so-called "realistic figures". (I.D. 123)

33. It was error to conclude that when all factors are properly balanced pursuant to the National Environmental Policy Act and 10 CFR Part 50, Appendix D, a license to operate Indian Point #2 should be issued. (I.D. 124)

34. It was error to authorize operation of Indian Point #2. (I.D. 124-125)

Respectfully submitted,



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Counsel for Citizens Committee
for Protection of the Environment

Dated: October 5, 1973