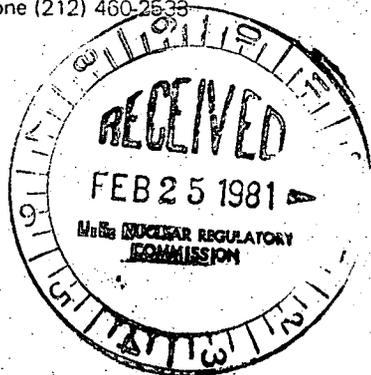


John D. O'Toole
Assistant Vice President

RELATED CORRESPONDENCE

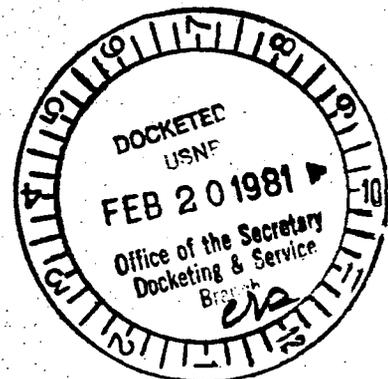
Consolidated Edison Company of New York, Inc.
4 Irving Place, New York, N Y 10003
Telephone (212) 460-2533



Letter No. 81-28
February 11, 1981

Re: Indian Point Unit No. 2
Docket No. 50-247

Mr. Victor Stello, Jr., Director
Office of Inspection and Enforcement
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555



SUBJECT: Consolidated Edison's Response to Notice of Violation and Proposed Imposition of Civil Penalty dated December 11, 1980

Dear Mr. Stello:

This letter relates to your letter of December 11, 1980, enclosing a Notice of Violation and Proposed Imposition of Civil Penalty resulting from your office's investigation of the October 1980 accumulation of service water inside containment at Indian Point Unit No. 2. Our response was sent to you on January 5, 1981, and the purpose of this letter is to supplement our response with detailed information relevant to your December 11 letter which has been confirmed with vendor sources.

Regarding the use of epoxy for maintenance of the fan cooler units as discussed at pp. 45-49 of our January 5 Statement, the effects of high energy radiation on Master Bond sealant were also tested at the High Energy Research Laboratory in Switzerland and at the Rutherford Laboratory in England. This work was part of a test program studying the radiation resistance of epoxies which began at these laboratories in 1969 and continued through 1979, and was in addition to the Radiation Dynamics testing which we referred to in our January 5 Statement. We are now advised by the manufacturer that this Radiation Dynamics testing occurred in 1976-77, rather than in 1973. Consolidated Edison's use of Master Bond in connection with the fan cooler units at Indian Point commenced in 1979. Thus prior to our initial use, radiation exposure testing at these laboratories qualified this epoxy for continuous service at greater than 281 degrees F, and 10⁹ rads.

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UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 WASHINGTON, D.C. 20555

DISTRIBUTION:
 Docket, w/encl.
 ORB#1 Rdg w/encl.
 CParrish " "
 LOlshan " "

50-247

February 10, 1981

Docket No. 50-248⁷

Governor's Office of State Planning & Development
 Attn: Coordinator, Pennsylvania State Clearinghouse
 P.O. Box 1323
 Harrisburg, Pennsylvania

Subject: CONSOLIDATED EDISON COMPANY (Indian Point, Unit 2)

The following documents concerning our review of the subject facility
 are transmitted for your information:

- Notice of Receipt of Application.
- Draft/Final Environmental Statement, dated _____.
- Safety Evaluation, or Supplement No. _____, dated _____.
- Notice of Hearing on Application for Construction Permit.
- Notice of Consideration of Issuance of Facility Operating License.
- Application and Safety Analysis Report, Vol. _____.
- Amendment No. _____ to Application/SAR, dated _____.
- Construction Permit No. CPPR- _____, dated _____.
- Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- Other: ~~June 27, 1980 Petition for Leave to Participate as~~
~~an Interested State of New York State Energy Office~~

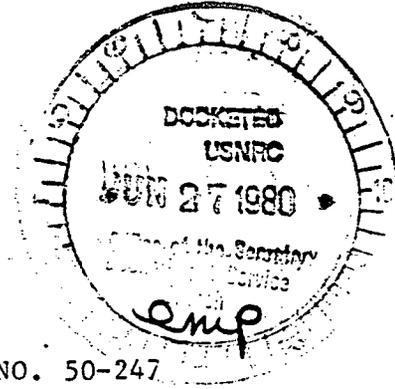
Division of Licensing, ORB#1
 Office of Nuclear Reactor Regulation

Enclosures:
 As stated

cc: Mayor of the Burrough of Shippingport
 P.O. Box 26
 Shippingport, Pennsylvania 15077

OFFICE	ORB#1-DL			
SURNAME	CParrish:DS			
DATE	2/10/81			

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
)
CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)
(INDIAN POINT UNIT NO. 2))
)

DOCKET NO. 50-247

PETITION FOR LEAVE TO PARTICIPATE
AS AN INTERESTED STATE BY THE
NEW YORK STATE ENERGY OFFICE

1. The U.S. Nuclear Regulatory Commission (the Commission) caused to be published in the Federal Register on Wednesday, May 28, 1980, (Vol 45 No. 104, p. 35948) a document dated May 19, 1980, entitled, "Proposed Issuance of Amendment to Facility Operating License" (the published notice).

2. The published notice involves the application of Consolidated Edison Company of New York for an amendment to Facility Operating License No. DPR-26 issued to Consolidated Edison for Indian Point Unit No. 2, which would authorize Consolidated Edison to increase the spent fuel pool storage capacity from 482 fuel assemblies to 980 fuel assemblies.

3. The interest of the State of New York in the health, safety and environment of its people requires that all matters pertaining to the safety and environmental impact of the proposed license amendment be thoroughly considered.

4. Under Section 7-101 of the Energy Law and Section 104 of the Commerce Law of the State of New York, the State Energy Office is given the responsibility for coordinating regulatory programs of State agencies and instrumentalities which affect atomic energy activities in New York, for developing a coordinated position among State agencies with respect to Federal regulatory matters and for coordinating the participation of the agencies and instrumentalities of the State in the

regulatory process of the Federal Government where such Federal process affects atomic energy activities in the State.

5. Pursuant to Section 2.715(c) of the Commission's Rules of Practice and Section 274 of the Atomic Energy Act of 1954, as amended, and in accordance with the provisions of the published notice, the State of New York, acting by and through its Energy Office, hereby petitions to participate in the noticed proceeding as an interested State in the event a hearing is held on the subject application. This petition is not a request for a hearing.

6. The name and address of the person upon whom service in these proceedings may be made is:

Stanley B. Klimberg
Counsel
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Respectfully submitted,

Stanley B. Klimberg
Counsel
New York State Energy Office

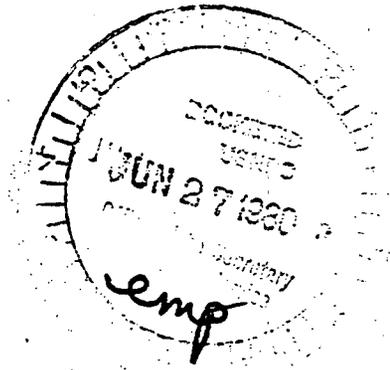
DATED: June 25, 1980
Albany, New York

Sworn to before me this

25th day of June, 1980

Notary Public
State of New York
No. 4017477
Qualified in Albany County
Commission Expires March 30, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
)
CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)
(INDIAN POINT UNIT NO. 2))
)

DOCKET NO. 50-247

CERTIFICATION OF SERVICE

I hereby certify that copies of "Petition for Leave to Participate as an Interested State by the New York State Energy Office", dated 6-25-80 in the above captioned matter, has been served on the following by deposit in the United States mail, first class or air mail, this 25th day of June, 1980.

Howard K. Shapar, Esq.
Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Joseph D. Block, Esq.
Executive Vice President
Administrative
Consolidated Edison Company of New York
4 Irving Place
New York, New York 10003

Samuel J. Chilk, Secretary to
the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



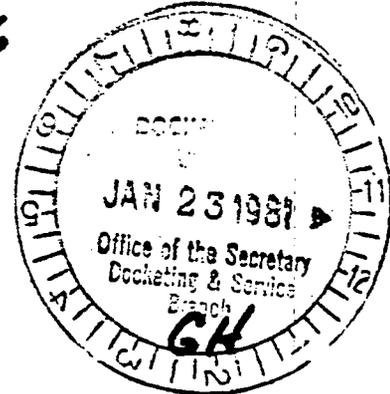
NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.

5 Beekman Street • New York, N.Y. 10038 • (212) 349-6460

Offices in: Albany, Binghamton, Brooklyn, Buffalo, Long Island, Manhattan, New Paltz, Queens, Staten Island, Syracuse, Utica

DOCKET NUMBER: 50-247/286
PROD. & UTIL. FAC.

Docketing and Service Branch
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



LATE FILING OF REQUEST FOR HEARING

Dear Sir/Madam:

The issue of compaction of the spent fuel pool at Indian Point #2 deserves further public attention than it has received since Consolidated Edison applied for it in January, 1980. Several factors support this view:

a) The potential for an accident more severe than a reactor meltdown should be examined due to the much shorter period needed for boil-off of sufficient cooling fluid when fuel is highly compacted. If the cooling systems serving the spent fuel pool should break down due to a loss of fuel to emergency generators, a possibility resulting from a meltdown, then the cooling water would boil off in a few days yielding uncovered rods, some of which could burst from internal heating and release particles and gases beyond the capacity of the pool's air handling filtration systems to contain. An extended power failure could remain undetected in the aftermath of an evacuation. The power failure at Three Mile Island and the later difficulty in securing entry have provided reason for concern that access and service during an accident could be sufficiently impaired to result in a significant complication at the spent fuel pool.

b) While a doubling of spent fuel density has been examined in NUREG-0575, a quadrupling of fuel density (relative to its design density) -- with its attendant reduction of cooling fluid volume, increase in cooling load, increase in radioactive gas concentration, and reduction in warning time before damage occurs to stored fuel -- has not been specifically examined in any report of which we are aware.

c) The Indian Point complex is near a major commercial fishing ground that could be severely impacted by a fluid leakage from a tightly compacted pool potentially having a higher concentration of fission products than usually exists at such a facility.

d) Other alternatives which might provide safer options, such as construction of new pools or dry storage of fuel, were not examined in Con Edison's application and should be addressed in a hearing.

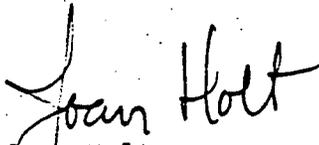
e) When fully examined in other countries, compacted storage has been denied by at least one regulatory agency (the Federal Republic of Germany denied permission at the Gorleben facility in 1979) and there is a need to air such a discussion as it applies to Indian Point #2.

Acknowledged, 1/23/81

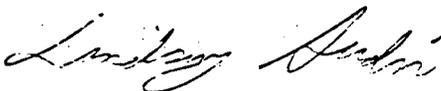
We understand that a solicitation of public comment on Con Edison's application for amendment to its operating license was published in the Federal Register last summer. Even though we monitor the operations at Indian Point as best we can, we failed to spot this Notice, and have since learned that there was no public response or any request for a hearing at that time. Considering the enormity of the consequences that could occur in connection with any serious accident at Indian Point, and the attention now being focused by the Commission on all matters relating to that site -- in particular, the recently ordered Licensing Board adjudicatory hearings -- it would be extremely ill-advised for the Commission to permit Con Edison further compaction without any public hearings on the matter. We believe that it is essential that hearings be conducted and urge you to institute them in the public interest. Expeditious hearings should not create any problems since it is our understanding that staff does not expect to rule on this matter for some time.

We ask you to waive the filing deadline in order to consider our request at this time.

Respectfully submitted,


Joan Holt

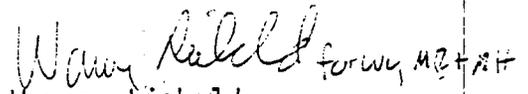
New York Public Interest
Research Group, Inc.



Lindsay Audin
The Citizens' Institute for
a Positive Energy Policy



Dean Corren
Greater New York Council
on Energy


Warren Liebold
Mina Hamilton
Marvin Resnikoff
Sierra Club*



Charles Scheiner
Westchester People's Action
Coalition

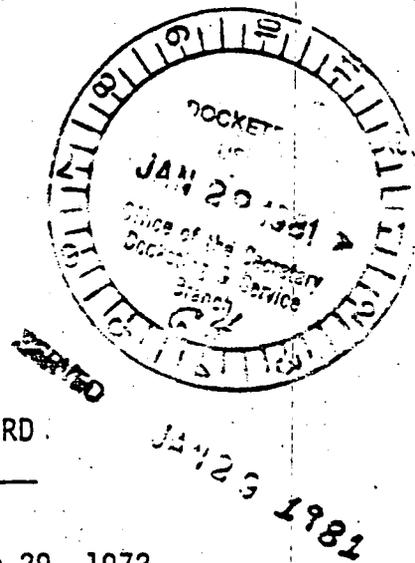


Lorna Salzman
Friends of the Earth,
Atlantic Region

January 19, 1981

* Organization listed for identification only

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
CONSOLIDATED EDISON COMPANY OF NEW YORK
[Docket No. 50-247-OLA]



ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD
TO PRESIDE IN PROCEEDING

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 F.R. 28710) and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

CONSOLIDATED EDISON COMPANY OF NEW YORK
(Indian Point Nuclear Generating Plant, Unit No. 2)
Facility Operating License No. DPR-26

This Board is being constituted pursuant to a notice published by the Commission on May 28, 1980, in the Federal Register (45 F.R. 35948-49) entitled, "Proposed Issuance of Amendment to Facility Operating License".

This Board is comprised of the following Administrative Judges:

Marshall E. Miller, Esquire, Chairman
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, D.C. 20555

Dr. Richard F. Cole
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, D.C. 20555

Mr. Glenn O. Bright
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, D.C. 20555

Robert M. Lazo

Robert M. Lazo
Vice Chairman (Executive)
Atomic Safety and Licensing Board
Panel

Issued at Bethesda, Maryland,
this 28th day of January, 1981.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)

(Indian Point Station, Unit No. 2))
)
)
)
)

Docket No.(s) 50-247 :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

29th day of Jan 19 81.

Peggy K. Lawing
Office of the Secretary of the Commission

- 1- Petition for leave to participate as an interested state of NJ, etc. dated 4/25/80
- 2- Petition for leave to participate as an interested state of NJ, etc. dated 4/25/80
- 3- Establishment of special procedure in proceeding dated 4/25/80

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

CONSOLIDATED EDISON COMPANY OF)
NEW YORK, INC.)

(Indian Point Station, Unit No. 2))
)
)

Docket No.(s) 50-247-OLA

SERVICE LIST

Marshall E. Miller, Esq., Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Richard F. Cole
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Counsel for NRC Staff
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Consolidated Edison Co. of New York, Inc.
ATTN: Mr. William J. Cahill, Jr.
Vice President
4 Irving Place
New York, New York 10003

Leonard M. Trosten, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Stanley B. Klimberg, Esq.
New York State Energy Office
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Albany, New York 12223

Ms. Joan Holt
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Group, Inc.
5 Beekman Street
New York, New York 10038