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JUN 4 1969

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

Dr. Thomas H. Pigford
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85 First Avenue
Waltham, Massachusetts 02154

Dr. John Henry Buck
2180 Mandeville Road
Los Angeles, California 90049

In the Matter of Consolidated Edison Company of New York, Inc.
Indian Point Unit No. 3
Docket No. 50-286

Gentlemen:

In its letter of May 23, 1969, the board inquired of the applicant and other parties as to their desire respecting the incorporation in the record of data concerning the containment spray system for Indian Point Unit 3 contained in documents identified as ORNL-TM Reports Nos. 2057, 2095, 2419, 2479, and 2283 and B-NWL 1009. In a subsequent letter dated May 27, 1969, the board indicated that it wished to take official notice of designated portions of the latter document.

While we do not wish to offer any of these documents in evidence, we have no objection to the board's considering their content, subject to the following comments.

1. The data contained in these documents are only part of the mass of information which the staff has considered in evaluating the iodine removal effectiveness of the containment spray system. We believe that the correct perspective on this subject is provided in the staff safety evaluation and in the testimony given by witnesses McAdoo and Burley at the hearing.

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2. The document identified as ORNL-TM 2419 as stated in the board's letter is entitled "A New Medical Spectrometer" and, we believe, is not the one intended by the board. Presumably, the board meant to refer to ORNL-TM 2412, a report entitled "Design Considerations of Reactor Containment Spray Systems - Part 1." Advance copies of this summary document were provided for the board's assistance by the staff at the hearing but not offered in evidence (Tr. 1593).

Sincerely,

15/

Troy B. Conner, Jr.
Trial Counsel

cc: Leonard M. Trosten, Esq.
Mr. Larry Bogart
Joseph F. Scinto, Esq.
Miss Mary Hays Weik
Mr. W. Donham Crawford
Mr. Stanley T. Robinson
Algie A. Wells, Esq.

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see prior concurrence sheet

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~~June 3, 1969~~

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U. S. Atomic Energy Commission
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Since the board has not specified particular portions of these documents upon which it may wish to rest its decision in whole or in part (see 10 CFR §2.743(i)), we can respond only generally to the board's inquiry.

We wish to reiterate that we do not offer any of these documents in evidence. On the other hand, we have no objection to the board considering their content except as noted below. We wish to emphasize, however, that the data contained in these documents are only part of the mass of information which the staff has considered in evaluating the iodine removal effectiveness of the containment spray system. We believe that the correct perspective on this subject is provided in the staff safety evaluation and in the testimony given by witnesses McAdoo and Burley at the hearing.

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The exception pertains to the document identified as ORNL-TM 2419 as stated in the board's letter. This document is entitled "A New Medical Spectrometer" and obviously is not the one intended by the board. Presumably the board meant to refer to ORNL-TM 2412, a report entitled "Design Considerations of Reactor Containment Spray Systems - Part 1". Advance copies of this summary document were provided for the board's assistance by the staff at the hearing but not offered in evidence (Tr. 1593). If this is the document intended by the board, the staff has no objection to its being considered subject to the same reservations expressed above.

Sincerely,

Troy B. Conner, Jr.
Trial Counsel

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*Approved with
Miller*

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