Vol II

105 2924

UNITED STATES ATOMIC ENERGY COMMISSION

REGULATORY DOCKET FILE COPY

In the Matter Of:

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Docket No. 50-247

(Suppl)

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1 BEFORE THE

2 ATOMIC ENERGY COMMISSION

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4 In the matter of :

5 CONSOLIDATED EDISON COMPANY : Docket No. 50-247
OF NEW YORK, INC. :

6 ----------X

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8 Buchanan Engine Co. # 1 Inc.
Albany Post Road,

9 Buchanan, New York.

10 Tuesday, 13 September 1966

11 The conference came on for hearing, pursuant to

12 notice, at 10:00 a.m. -- Pre-hearing conference.

13 BEFORE:

14 SAMUEL W. JENSCH, Chairman,

15 DAVID B. HALL, Member,
JOHN C. GEYER, Member, Atomic Safety and Licensing
Board.

16

17 APPEARANCES:

18 ARVIN E. UPTON, EUGENE R. THOMAS, JR., and
LEX K. LARSON, Esqs., on behalf of Consolidated Edison.

19 TROY B. CONNER, JR., Esq., DANIEL R. MULLER,

20 PAUL NORIAN, RONALD WEISKOPH, on behalf of the
Atomic Energy Commission Staff.

21 JOSEPH F. SCINTO, Esq., on behalf of the New York

22 State Office of Atomic and Space Development.

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1 P R O C E E D I N G S

2 CHAIRMAN JENSCH: Please come to order.

3 This proceeding is a pre-hearing conference scheduled
4 by the Atomic Energy Commission originally in the Notice of
5 Hearing issued by the Commission on the 29th day of July,
6 1966 in a Notice of Hearing issued in connection with the
7 Consolidated Edison Company of New York, Inc., Indian Point
8 Station No. 2, Docket No. 50-247.

9 In that Notice of Hearing a pre-hearing conference
10 was scheduled for August 17th and a pre-hearing conference
11 was held on that date in this hall in the Village of Buchanan,
12 New York.

13 The record of that pre-hearing conference is a
14 part of this proceeding, and reference will not again be
15 made to the matters set forth and considered at that pre-
16 hearing conference which was held on August 17th, 1966.
17 This is a resumed session of that pre-hearing conference and
18 was scheduled in accordance with the considerations had at
19 the pre-hearing conference on August 17, 1966.

20 The proceedings of that pre-hearing conference
21 are a part of the public notice concerning this pre-hearing
22 conference, but in addition, a formal Notice of Pre-Hearing
23 Conference designatingthis date, September 13th, 1966, at
24 this time and place was issued by the Atomic Safety and
25 Licensing Board and given general public distribution, which

1 included publication in the Federal Register in Volume 31,
2 page 11113 on August 20th, 1966.
3 The considerations to be had at this resumed session
4 of the pre-hearing conference will be similar to those which
5 were set forth in the record of the pre-hearing conference
6 held on August 17th, 1966.
7 At the time of the pre-hearing conference in
8 August this Atomic Safety and Licensing Board, which was
9 appointed by the Commission for consideration of the applica-
10 tion by Consolidated Edison did not have before it several
11 documents which the Atomic Safety and Licensing Board de-
12 sired to have for review prior to proceeding to the eviden-
13 tiary hearing in this proceeding. Those included the re-
14 port or letter from the Advisory Committee on Reactor Safe-
15 guards, the statutory group designated by Congress to re-
16 view those applications assigned to it by the Atomic Energy
17 Commission, and also this Atomic Safety and Licensing Board
18 did not have before it the staff analysis which necessarily
19 awaited the issuance of the report or letter by the Advisory
20 Committee on Reactor Safeguards.
21 Both of those documents are now available to the
22 public and to this Board and are on public file, available
23 for inspection by the public as well as all persons interested
24 in this proceeding.
25 For the record perhaps it may be well to again

1 request the statement of appearances, first on behalf of
2 Consolidated Edison Company of New York, Inc.
3 MR. UPTON: Mr. Chairman, I am appearing for
4 Consolidated Edison, Arvin E. Upton of the firm of LeBoeuf,
5 Lamb & Leiby, 1821 Jefferson Place, Northwest, Washington,
6 D. C. I have with me my partner, Eugene B. Thomas, Jr.,
7 of the same firm, same address, and my associate, Lex K.
8 Larson of the same firm and same address.
9 CHAIRMAN JENSCH: Thank you, sir.
10 Appearances on behalf of the Regulatory Staff of
11 the Atomic Energy Commission?
12 MR. CONNER: My name is Troy B. Conner, Jr.,
13 and with me on this case is Ronald Weiskopf. Our address is
14 Atomic Energy Commission, Washington, D. C.
15 CHAIRMAN JENSCH: Thank you, sir.
16 And at the pre-hearing conference held in August,
17 a formal order was issued permitting intervention by the
18 Director of the Atomic Space and Development Authority,
19 State of New York.
20 Is there any appearance on behalf of that Director?
21 MR. SCINTO: My name is Joseph F. Scinto. I am
22 Counsel for the New York State Office of Atomic and Space
23 Development. My address is the Alfred E. Smith State Office
24 Building, Albany, New York.
25 CHAIRMAN JENSCH: Thank you, sir.

At the pre-hearing conference held in August it was indicated that there had been at that time certain requests filed by persons desiring to present statements as limited participants in accordance with the Rules of Practice of the Atomic Energy Commission. It will again be stated here that provision will be made for those limited appearances and the presentation of those statements at the evidentiary hearing which is scheduled to convene tomorrow, September 14th, 1966, at this place and at ten o'clock.

Therefore, no request will now be made for a statement or a designation of those persons who do desire to present limited appearances in this proceeding. Inquiry will be made, however, is there any person present here who seeks to participate in this proceeding as a formal intervenor in the proceeding?

It was indicated in some previous correspondence that provision would be made at the evidentiary hearing on September 14th for those persons who desired to formally intervene, but in addition, inquiry can now be made respecting those persons who desire to formally intervene in the proceeding in accordance with the Rules of Practice.

It may be stated prior to that inquiry, however, that at the evidentiary hearing on September 14th this record will show that a formal request was filed by Congressman Ottinger to make a statement. And in view of

1 the pressure of business of Congress, it was indicated
2 that provision would be made at the outset of the proceed-
3 ing for the presentation of his statement to accommodate
4 his schedule.
5 I noticed a man in the rear who raised his hand.
6 Will you stand and state your name, please?
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1 MR. BOGART: My name is Larry Bogart, of the
2 Conservation Center of New York.
3 I wrote to the Secretary of the Atomic Energy Commis-
4 sion, indicating a desire and intention to appear as an
5 intervenor.
6 CHAIRMAN JENSCH: Did you file a formal petition to
7 intervene? I do have a copy, and it was intended that refer-
8 ence would be made to your letter, which was dated September 8,
9 1966. It states: "The Conservation Center requests permission
10 to intervene in the matter of Consolidated Edison Company of
11 New York, Inc., Indian Point Station Unit No. 2, Docket 50-247."
12 Has there been any document in addition to this
13 filed by the Conservation Center?
14 MR. BOGART: No.
15 CHAIRMAN JENSCH: Do you have a copy of the Rules of
16 Practice of the Atomic Energy Commission?
17 MR. BOGART: My counsel has that copy.
18 CHAIRMAN JENSCH: Is he here?
19 MR. BOGART: No.
20 CHAIRMAN JENSCH: Will he be here tomorrow?
21 MR. BOGART: I hope so.
22 CHAIRMAN JENSCH: You will recall that under the
23 Rules of the Commission, a person seeking permission to formally
24 intervene in the proceeding would be guided by Rule 2.714 of
25 the Rules of Practice of the Atomic Energy Commission, which

1 provide in part: "Any person whose interest may be affected
2 by a proceeding, and who desires to participate as a party
3 shall file a written petition under oath or affirmation for
4 leave to intervene", and so forth, within a time schedule which
5 the Commission, by statement of considerations, pertinent to
6 proceedings by the Atomic Safety and Licensing Boards, indicated
7 that the Atomic Safety and Licensing Boards may consider the
8 reasonableness of the advance notice in reference to a petition.
9 But I direct your attention, Mr. Bogart, to that rule for such
10 considerations as you may desire to give to it in support of
11 your request, as set forth in your letter of September 8, 1966,
12 as well as your statement here. And if I may undertake, as
13 we have done in some previous proceedings, to impose upon the
14 regulatory counsel of the Commission, to suggest that perhaps
15 you would like to confer with him concerning the procedures of
16 the Commission. Would that be agreeable, staff counsel?
17 MR. CONNER: Yes, sir. But I might point out that
18 on August 13, Mr. Bogart first wrote to the Commission on this
19 matter requesting more time. He did not at that time make any
20 formal request. On August 25, I wrote Mr. Bogart, providing
21 him a copy of our Rules of Practice, and a general letter ex-
22 plaining generally our procedures, and pointed out the filing
23 problems that did exist, and I suggested yesterday on the tele-
24 phone to Mr. Bogart -- we just received his letter dated
25 September 8, which requests the petition to intervene -- we

1 received it late Friday. So, of course, there is not time for
2 the parties to make formal written responses to that letter.
3 So I suggested to Mr. Bogart that perhaps it was something that
4 might be threshed out today, although at that time I had not
5 realized that Mr. Bogart's counsel would not be present.
6 CHAIRMAN JENSCH: Well, what is your suggestion, that
7 we do it here in the prehearing conference, or consent thereto?
8 MR. CONNER: Of course, I am prepared to address myself
9 to Mr. Bogart's letter of September 8, but I am afraid Mr.
10 Bogart might be at a disadvantage, without his counsel present.
11 CHAIRMAN JENSCH: Well, it might be well for advance
12 consideration by his counsel if you would indicate your view
13 concerning the letter by the Conservation Center of September 8,
14 1966.
15 MR. CONNER: Of course, as one of the functions of the
16 staff counsel, it is to try to keep things consistent with the
17 Commission's Rules in proceedings before any Board, and if
18 Mr. Bogart's letter is intended to be a petition to intervene
19 within the meaning of the Commission's rules, it is deficient.
20 It does not meet the formal requirements of being under oath or
21 affirmation -- it has not been served upon the parties. It does
22 not show good cause why it was filed late -- it does not state
23 how the interests of the Conservation Center would be affected
24 by the proposed licensing action. And it is not clear, although
25 I think it is inferred, that the position of the Conservation

1 Center is in opposition to the plant. That is not clear. I
2 would merely point these things out as being formal defects
3 under the Commission's Rules if this document were to be
4 treated as a petition to intervene. Of course, as we have
5 suggested, traditionally in these cases such matters as this
6 could always be presented in the form of a limited appearance,
7 and if that were to occur here, as an intervention, the staff
8 would endeavor to answer such questions as appropriate that are
9 raised in the attachment to Mr. Bogart's letter of September 8.
10 There are numerous points made by Mr. Bogart in the attached
11 document, commenting on the staff's safety evaluation, many of
12 which can be characterized as failing to understand the two-
13 step procedure, in our view, the two-step procedure set up by
End #2 14 Congress for the consideration of reactor licensing cases.
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1 CHAIRMAN JENSCH: I wonder if you would outline that
2 generally, so that Mr. Bogart and the other members of the
3 public here who may not be familiar with that procedure can
4 be apprised of that to which you refer?
5 MR. CONNER: Of course, realizing the Board members
6 and many of the other people present are more familiar with
7 this perhaps than I am, I will try to be very brief. In
8 essense, Congress established a two-step approach to licensing
9 reactors. The first stage is that of the construction permit,
10 wherein the general ideas, the basic concepts, the preliminary
11 designs are provided. Then secondly, when that design has
12 been finally set in concrete, if you will, with the final
13 detailed design of the plant, it is again considered by the
14 Commission, more or less every nut and bolt, to make sure
15 the plant is safe before it can be operated.
16 The construction permit hearing is the first stage,
17 the preliminary stage, and then two or three years later,
18 after the plant is built, the Commission and the ACRS and the
19 regulatory staff and everyone goes through the same type of
20 detailed -- the same type of analysis, but with the details
21 available to them.
22 At that time technical specifications which govern
23 the operation of the plant are available. So many of the
24 points that are raised in Mr. Bogart's letter are more
25 pertinent for this secondary consideration, and of course

1 will be looked at by the regulatory staff, ACRS, and other
2 parties, as appropriate at that stage.
3 CHAIRMAN JENSCH: Would you indicate what the
4 provisions are for public hearing in reference to each of
5 these two stages to which you refer?
6 MR. CONNER: Congress, in 1962, amended the Atomic
7 Energy Commission Act to provide that a hearing at the
8 operating license stage would not be mandatory, but continued
9 the existing procedures that thirty days' notice would be
10 provided to the public so that any person who had a legal
11 interest to intervene could request a hearing, petition to
12 intervene and request a hearing, or, in other words, the
13 mechanism is provided that in the event of need, a public
14 hearing would be held at the operating license stage.
15 To make that absolutely clear, this hearing is
16 mandatory, the hearing at the operating license stage may
17 be held at the Commission's discretion or in the event of a
18 demand by a proper party.
19 MR. BOGART: Therefore it would seem, if one has
20 objections, now is the time to intervene. Since my principal
21 objection deals with the above-ground nature of the building,
22 the plant, when many authorities contend that plants should
23 be located underground, I think the principal objection should
24 be heard at this time.
25 CHAIRMAN JENSCH: Well, that is a concern you will

1 have with your counsel, based upon the procedures.

2 MR. BOGART: Yes.

3 CHAIRMAN JENSCH: I wonder if you would indicate,

4 staff counsel, what is the provision, what are the mechanics

5 of giving a public notice? Would the person who, for instance,

6 is going to make only a limited appearance, will he receive

7 a copy of a notice of a proposed issuance of an operating

8 license, if ever that stage is reached for this proceeding?

9 MR. CONNER: Yes, sir. Under the Commission's

10 established procedures, any person who requests to be advised

11 of the issuance of notice is furnished a copy -- of course

12 any person making a limited appearance is. But any other

13 person who makes such a request is furnished such a notice,

14 in addition to the fact that the notice is published in the

15 Federal Register, by statutory requirement, and the same

16 notice is given as wide as possible distribution to the news

17 media. The notice is sent out to all of the papers and wire

18 services and they use it as they see fit, of course, since

19 we have no control over what isprinted or published.

20 CHAIRMAN JENSCH: In your statement, staff counsel,

21 you referred to the scope of the matters in the construction

22 permit stage. The Commission, in its notice of hearing,

23 issued in July, July 29, 1966, raised for consideration by

24 this Board whether the applicant, that is Consolidated

25 Edison, has described the proposed design of the facility

1 included but not limited to the principal architectural
2 and engineering criteria for the design, and has identified
3 the major features or components on which further technical
4 information is required. Was that the scope of the matter
5 that you described as pertinent for a construction permit,
6 and that necessarily during a construction permit period,
7 if a construction permit is granted, there would be further
8 design and engineering criteria developed? Is that correct.
9 MR. CONNER: Yes, sir.
10 CHAIRMAN JENSCH: Well, this particular licensing
11 board is governed in the consideration of this matter by
12 the issues prescribed by the Atomic Energy Commission for
13 our consideration and determination.
14 MR. CONNER: It might be noted of course, sir,
15 that these issues are in exactly the same language as the
16 Commission's regulation, Section 50-35, which governs the
17 Commission's rules for consideration of pertinent matters
18 at the construction permit stage. So this is a regulatory
19 issue prescribed for the Board's consideration.
20 CHAIRMAN JENSCH: Will you give consideration to
21 the matters to which staff counsel has referred, and not
22 intending to foreclose consideration of your letter nor
23 your statement here, will you, yourself, be available again
24 in the morning at the evidentiary hearing, September 14th?
25 MR. BOGART: Yes.

CHAIRMAN JENSCH: It is not intended to foreclose consideration of your request, but would it not be advisable to defer consideration of your matter until you have had an opportunity to confer with your counsel? Wouldn't that be better?

MR. BOGART: All right.

CHAIRMAN JENSHC: Very well. Thank you, Mr. Bogart. We will hear from you again tomorrow.

MR. CONNER: I will confer with Mr. Bogart later in the morning if he wishes further consultation.

MR. BOGART: Thank you.

CHAIRMAN JENSCH: Is there any other person present who seeks to participate in this proceeding by way of formal intervention in the proceeding?

(No response.)

CHAIRMAN JENSCH: The Baord hears no such request. If there is nothing further by way of participation in the proceeding, it may be noted at the outset that this prehearing conference will be conducted in the manner designated by the Atomic Energy Commission, in a very informal manner, and I think in August at our initial session of this prehearing conference it was indicated that the Board, after review of the documents which have now been supplied, would like to discuss perhaps some phases of the application and the comments in reference thereto with the participants in case

1 by that time there were some matters on which the Board
2 would desire further discussion and consideration. There-
3 fore, with that introduction, if either of the participants
4 would like to indicate anything further by way of presentation
5 other than what was indicated at the prehearing conference,
6 or by the subsequent filings made by the parties -- it may
7 be noted that the Board has received from the applicant,
8 Consolidated Edison Company, several filings, including the
9 statements intended to be presented formally by some of the
10 witnesses for the applicant, as well as a brief summary of
11 the application in accordance with the rules of practice of
12 the Commission.

13 In addition, the regulatory staff of the Commission
14 made filings with the Board, and all of these documents, including
15 those filed by the applicant, are on file in the public
16 documents room of the Atomic Energy Commission.

17 The staff has filed a statement of professional
18 qualifications by five proposed witnesses who will be avail-
19 able for examination at the evidentiary hearing, and of
20 course in addition, as I have indicated, we have received
21 the Safety Analysis made by the staff based upon all of the
22 record in the proceeding including the application, the
23 comments by the advisory committee, and including the views
24 of the staff respecting these several matters.
25

1 In addition, the State of New York, through its
2 Director of Atomic Space and Development Authority, has filed
3 statements intended to be adduced as evidence in this proceed-
4 ing. Consideration has been given by the Board to those
5 several filings. At the outset, for myself, I might say that
6 some inquiries which I made at the prehearing conference on
7 August 17 have been largely answered by the filings made by
8 both the applicant and the staff, particularly in reference to
9 what I had, if I may say, speaking informally, felt was quite
10 a brief, perhaps too brief, summary of some phases in reference
11 to a Page Report. I think the supplementary material which
12 has been filed has answered the inquiries I had in that regard.
13 It wasn't that I felt that the substance of the matter warranted
14 a very extensive presentation, but the brief sketch in the Page
15 Report provided some concern, which I believe has been answered
16 by the filings by the parties. I do have some other matters,
17 and I think each of us on the Board have some matters to which
18 we would like to direct the attention of the participants
19 at this time. Perhaps in deference to the technical members
20 of the Board, I should refer these inquiries to them, and
21 maybe I can call on Dr. David Hall, who was introduced, as well
22 as Dr. Geyer, who was also introduced at the initial session
23 of this prehearing conference.
24 MR. HALL: There was a question which occurred to me —
25 it may be of just passing interest -- but in the ACRS letter

1 and in the staff report as prepared, and this safety evaluation,
2 there was a statement that appears that "operation above 916
3 megawatts electric is not planned by the applicant". I am
4 curious why this statement is stressed, if indeed it is stressed.
5 And what significance it has for the safety evaluation. It
6 seems to me the turbine capacity is stated as being 1021 mega-
7 watts electric, essentially 10 percent increment, which may
8 mean several million dollars of additional revenue available
9 if it is utilized.
10 MR. CONNER: If the Board please, did you intent to
11 have the staff or the applicant, as appropriate, reply as you
12 raise these questions, or would you rather defer them to the
13 hearing tomorrow?
14 MR. HALL: On my part, I would just as soon defer them.
15 It makes no difference to me. It is your choice.
16 CHAIRMAN JENSCH: If you desire to make some prelimin-
17 ary response now, perhaps you may do so, in case there are
18 some phases of the inquiry in which you would like to make
19 comment, it might be well at this time, without foreclosing
20 any further presentation. While I think Dr. Hall referred to
21 the Safety Analysis of the staff, I think either the applicant
22 or the staff could respond to this matter, whoever can better
23 handle the subject matter.
24 MR. CONNER: If the Board please, we of course fully
25 recognize that nothing stated at this prehearing conference is

1 evidence in the proceeding. However, we though in view of
2 the Commission's desire to explore the problems at these
3 prehearing conferences, that perhaps if we did respond to
4 some questions, it might enable the Board members to better
5 understand what otherwise might be subsequent questions on the
6 same general area.
7 CHAIRMAN JENSCH: Mr. Upton?
8 MR. UPTON: Mr. Chairman, we are perfectly prepared
9 to discuss some of these things today, but I do suggest that,
10 since our witnesses will be under oath tomorrow, we can respond
11 to these questions under oath, and it might be better, therefore,
12 to postpone the answers until tomorrow.
13 CHAIRMAN JENSCH: Will you -- that is, both the
14 staff and the applicant, bearing in mind these inquiries which
15 the Board makes, so that the inquiries need not again be
16 asserted at the evidentiary hearing, but the participants will
17 come forward with evidence respecting these matters, without
18 repetition of the inquiry.
19 MR. UPTON: Yes, sir.
20 CHAIRMAN JENSCH: Would that be agreeable with the
21 staff?
22 MR. CONNER: Yes, sir.
23 MR. UPTON: We have already followed that practice,
24 I might say, with respect to the questions that were raised at
25 the first prehearing conference, which we will be prepared to

1 address ourselves to specifically at any time the Board wishes.
2 CHAIRMAN JENSCH: Very well.
3 MR. HALL: Again, in the Safety Analysis, safety
4 evaluation by the Division of Reactor Licensing, it is pointed
5 out that the moderator temperature -- this is page 11 -- "the
6 moderator temperature and void coefficients will be positive
7 during a portion of the initial fuel cycle". And this is a
8 point, I believe, which is not sufficiently clear to me as to
9 the extent of the positive coefficients and the duration over
10 which this situation will exist. If it is possible, I would
11 like one of the parties to explore this further and develop it.
12 In the ACRS letter, and also quoted in the staff report, there
13 is a recommendation that the design and fabrication techniques
14 for the entire primary system be further reviewed to provide
15 greater assurance of highest quality system, and particularly
16 in-service inspection possibilities and detection of incipient
17 trouble be carefully considered. I would like to have that
End #4 18 explored. I am not sure what is meant here.
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There are a number of qualitative terms, and if possible, I would like to see them reduced to quantitative terms. The letter which we received from Mr. Bogart -- I assume you have also received it -- raises a question which I think has to be answered completely independent of what the status of this intervention is, and that is the Advisory Committee on Reactor Safeguards is used as a reference, but it is quoted from a Nucleonics reference.

Would it be possible to have the letter of the ACRS for the record? This is the one referring to the catastrophic failure of a pressure vessel, issued in January 1966.

CHAIRMAN JENSCH: Excuse me, if I might interrupt? Has the staff, the applicant, or has the State of New York received a copy of this letter? I think the Secretary has undertaken to mail this letter to the participants, so they would be advised. Do you have a copy, staff counsel?

MR. CONNER: Yes, it was received last Friday. We received a copy of Mr. Bogart's letter late last Friday.

CHAIRMAN JENSCH: From the Secretary of the Commission?

MR. CONNER: Yes.

CHAIRMAN JENSCH: Has the applicant received a copy of the letter?

MR. UPTON: Yes, sir, I was notified late Friday

1 afternoon that the letter was there and I had it picked
2 up Friday evening.
3 CHAIRMAN JENSCH: The State of New York?
4 MR. SCINTO: Yes, Mr. Chairman, we received a
5 copy of this letter Monday morning.
6 MR. HALL: To continue the question that I have
7 in reference to this, on page 3, point 7, the third paragraph
8 from the bottom --
9 MR. CASE: Dr. Hall, you want the ACRS letter
10 itself in its entirety?
11 MR. HALL: I do not have access to it now. I
12 would like to have it, yes.
13 CHAIRMAN JENSCH: While there is a pause, I might
14 say, and this is something that perhaps I would like to
15 refer to the regulatory staff of the Commission, but a tele-
16 gram was received by me this morning from the Office of the
17 Secretary of the Atomic Energy Commission stating that the
18 National Park Council Association on September 12, yesterday,
19 a three-page letter which as I understand contains language
20 such as this, which includes considerations that should be
21 resolved and determined at this hearing. I do not have a
22 copy of the letter.
23 The telegram from the Office of the Secretary
24 stated it would be sent by telegram to me, but I would
25 rather a party receive it and make it available generally

to the public and thereafter it be made available to the Board.

I would appreciate if it staff counsel or one of his assistants would undertake to telephone the Office of the Secretary and perhaps they could dictate it --

MR. BROOKHART: I might save you that time, Mr. Chairman. My name is Smith, with Brookhart --

CHAIRMAN JENSCH: You were the originator of that letter?

MR. BROOKHART: Yes. Counsel for the National Park Association. And I will be glad to talk to staff counsel and take our proper place tomorrow as an interested but not intervening party.

CHAIRMAN JENSCH: Do you have a copy of your letter which you can make available to the parties here?

MR. BROOKHART: Well I sent a copy to the counsel, Mr. LeBoeuf, it didn't arrive probably on time.

CHAIRMAN JENSCH: Do you have a copy now for Mr. Upton?

MR. BROOKHART: I have a single copy here.

CHAIRMAN JENSCH: Perhaps you could run off some Xerox copies and make it available generally, and if you have any left over, the Board would appreciate having a copy to.

MR. BROOKHART: I don't know what the local facilities

1 are.

2 CHAIRMAN JENSCH: Well, in any event, that will
3 obviate the telephone request which I have just made to
4 staff counsel. Therefore that need not be undertaken.

5 In addition there was filed on September 12,
6 with the Office of the Secretary of the Commission, a
7 statement by I believe the Buildings and Trades Council
8 of Westchester County and Lower Putnam County, affiliated
9 with AFL-CIO, stating they favored the construction of this
10 proposed facility. That letter likewise has not been made
11 available to the Board, nor do I believe the parties, but
12 copies are being made of both the National Parks Association
13 letter and the Building Trades letter and if we receive them
14 tomorrow, they will be made available to the public generally
15 as well.

16 MR. UPTON: Mr. Chairman, may I say I think the
17 letter Dr. Hall refers to is dated November 24, 1965, the
18 general letter from the ACRS to the AEC on pressure vessels.

19 MR. CONNER: If the Board please, on this point,
20 Mr. Case produced one copy of this letter which is indeed
21 dated November 24, 1965, that we can make available to Dr.
22 Hall at this time, although this being our only copy, we
23 might like to have it back.

24 CHAIRMAN JENSCH: If you will make copies before
25 you let us have it and the other participants -- the Board

1 does not want to receive any document until it has been
2 made available to the parties in the proceeding.
3 MR. CONNER: This is a publicly available
4 document, of course.
5 CHAIRMAN JENSCH: Yes. But likewise, for this
6 proceeding, we did not desire to receive any document -- I
7 don't know if the facilities in Peekskill would permit Xeroxing.
8 I believe they are available in Peekskill and I think can be
9 made available to the parties, unless the parties will waive
10 the documents.
11 MR. UPTON: Mr. Chairman, I am waving it now, so
12 to speak.
13 CHAIRMAN JENSCH: That is spelled with a "V" as
14 well as w-a-i-v, is that correct?
15 MR. UPTON: Yes. We have facilities for Xeroxing
16 and making copies at the Indian Point Plant No. 1, which is
17 near here, and we will be happy to do that if there are no
18 other facilities available.
19 CHAIRMAN JENSCH: We would appreciate that.
20 Likewise, if Mr. Brookhart's letter could be
21 reproduced and made available to the parties first and
22 secondly to the Board thereafter, we would appreciate it.
23 Excuse me, Dr. Hall.
24 MR. HALL: I will yield to Dr. Geyer.
25 CHAIRMAN JENSCH: Dr. Geyer has some inquiries.

1 MR. GEYER: I would first like to ask a question
2 which you may be able to answer right here and dispose of
3 the matter. It has to do with information in the applicant's
4 document of September 14, 1966, Partial Summary of Application.
5 On page 20, lines 13 to 15 there is mention of the
6 welding of the anchoring studs to the liner plate. I didn't
7 find in the full documents any description of these anchor
8 bolts or whether the welds to the liner place were considered
9 welds in the sense that they would be pressurized and if
10 reference to some of the documents would enlighten me on
11 this, that is all I would need.
12 MR. UPTON: If you will give us a few moments,
13 Dr. Geyer, we will see if we can find the reference to it.
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1 MR. GEYER: All right. Maybe you can handle
2 this later. Also at the same time, I am not completely
3 clear as to just how the angles are put on. Are they on
4 the inside of the line or the outside of the line?
5 This is quite a difference as to, if the leakage
6 is from these pressurized zones to the outside of the liner
7 plate, will the plate withstand any pressure build-up that
8 might occur, things of this sort, any information on just
9 how this whole system is going to function. If you can
10 refer me to places I can find that, I would appreciate it.
11 I have just a few questions with regard to the
12 Staff evaluation. The first is kind of an amplification
13 of Dr. Hall's second question, with regard to positive
14 temperature coefficients of reactivity. Any new thinking
15 on this or any other additional information you have would
16 be appreciated.
17 On page 25 in this staff analysis at the top of
18 the page is a sentence which says that the design criterion
19 for the fuel tubes is that the internal gas pressure within
20 the fuel rods, due to the expected equilibrium burn-up will
21 be less than the nominal external pressure throughout core
22 life.
23 I don't understand what is meant by "nominal"
24 and it is not clear here whether all pressure situations
25 during core life, at different internal and external pressures

1 and internal and external temperatures are covered. So
2 any further information on this point would be useful.
3 On page 53 are listed the various classes of valves
4 on connections to the containment vessel and there is quite
5 frequent mention of manually operated valves. I would like
6 to know how many valves there are in each category and how
7 many are normally standing in safety condition and how many
8 must be operated in case of an accident.
9 On page 63 of the staff report in the middle of
10 the page is A, talking about water logging of the charcoal
11 filters, this figure of at least 90 percent of removal
12 efficiency by water logged filter must be based on some
13 experimental work and reference to that work would be useful.
14 Again on the next page, about the fifth line down
15 is the use -- or the sixth line -- is the use of the number
16 .045 percent per day. The question is how was this number
17 arrived at or for what condition is it?
18 Also on that same page some clarification of the
19 table at the bottom of the page.
20 I think that is all I have, Mr. Chairman.
21 CHAIRMAN JENSCH: It is probably no secret to
22 those who have worked with the Atomic Safety and Licensing
23 Board to know that considerable midnight oil is utilized.
24 And last night I made a list of items, technical discussions
25 that developed, that might have escaped the attention of

1 the technical members of the Board here this morning. Let
2 me just enumerate some of the items I wrote down.
3 Consideration was given to the Staff's Safety
4 Analysis and I believe the term is used "negligible out-
5 leakage" and concern was had as to what was the figure for
6 that rate.
7 In addition, there was reference to the fact
8 that the operating rods will be at a certain level, but
9 there was sufficient margin to overcome the operating condi-
10 tion and concern is had as to what is the figure for that
11 margin?
12 Thirdly, how will in-service inspection be under-
13 taken? Dr. Hall referred to the ACRS comment about seeking
14 greater assurance for in-service inspection, but in addi-
15 tion there was some discussion as to how it was proposed--
16 This may be an operating specification that will be developed
17 after the construction is completed but reference has now
18 been made to it as a basis for reliance -- how is it pro-
19 posed to have periodic inspection of the facility if it is
20 in operation? Are there problems of radiation level and
21 if so, how will they be handled?
22 Also, there was reference made --
23 MR. CONNER: Mr. Chairman, could I interrupt, please?
24 CHAIRMAN JENSCH: Yes.
25 MR. CONNER: The question before last, on the

1 operating rods, could you give us the reference to that?
2 We don't quite get-- We don't understand what you are
3 driving at exactly and perhaps if you gave us the reference,
4 we could be better able to answer it tomorrow.
5 CHAIRMAN JENSCH: If we may proceed, this matter
6 will be considered in the course of our presentation.
7 There has been reference both in the application
8 and in the Safety Analysis by the staff to the use by
9 Consolidated Edison of United States Testing Service, and
10 inquiry arose as to what part it plays in the construction
11 procedures. Does a clearance, in effect, by the U. S. Test-
12 ing Service relieve Westinghouse, and if there is a differ-
13 ence between U. S. Testing Service and Westinghouse, which
14 organization prevails?
15 Is it intended that there be a clearance of the
16 components of the proposed construction and if so, does that
17 relieve Westinghouse for the operating condition that may
18 ultimately result, or does the responsibility of Westing-
19 house include the components, when assembled and ready for
20 operation?
21 I just wondered what the relationship is among the
22 three parties, Con-Edison, U. S. Testing, and Westinghouse.
23 There also is a reference, I believe, in the
24 Staff Safety Analysis that the cooling water would have a
25 negative quality. And that term provoked some discussion

1 as to the meaning and perhaps that could be defined.

2 In addition, what is the experience on the use

3 of sodium thiosulfate, what will be its effect on the boric

4 acid shim control. Perhaps unrelated to that, but solely

5 to boric acid, what is the expected or rather is there any

6 expected plateingout or depositing of boric acid during

7 the course of the operation, and if it should deposit on

8 some of the components, what will be the effect thereof

9 as to the efficiency of the shim control?

10 Has there been any experience either at Yankee

11 or Saxton, which I understand is the experimental facility

12 for many of the Westinghouse reactors, which would bear

13 upon either of these two, boric acid -- in such large quan-

14 tity as proposed here -- and also sodium thiosulphate?

15 And in reference to an inquiry that Dr. Geyer

16 propounded as to the water logging condition of the filters,

17 would such a condition develop either from a fogging condi-

18 tion or from spray water or both? And what will be the

19 effect thereof on methyl iodide? Will there be any effect?

20 And if so, if there is presence of methyl iodide, how will

21 it be handled?

22 Also as I understand it, the proposed facility

23 would not have a conventional type of gaseous affluent

24 stack, but rather there would be release points from the

25 containment building. Is that a correct understanding of

1 the proposed construction?

2 MR. UPTON: Yes, sir.

3 CHAIRMAN JENSCH: And if so, what is the pro-

4 posed filtering and expected efficiency therefrom, and how

5 will it be supervised or how is it anticipated to be super-

6 vised during anticipated operations?

7 MR. HALL: If I may just go back to the point that

8 you were referring to in the rods, I think the question we

9 had in mind was the requirement of solid burnable poisons

10 and what criteria do you propose to establish or indeed is

11 it possible to establish criteria at this time, to say when

12 you will use solid burnable poisons installed in the core?

13 CHAIRMAN JENSCH: The phase of it that referred

14 to a sufficient margin in the operating rods is trying to

15 be discerned from the filings and if we take a recess some

16 time this morning, we will endeavor to have that reference

17 available.

18 Is there anything that any one of the parties

19 would desire to discuss in reference to these inquiries

20 at this time, bearing in mind that I think the Board does

21 recognize that at the evidentiary hearing it will probably

22 be a more appropriate time for a complete response to these

23 inquiries, when we have witnesses under oath.

24 Does the State of New York have any inquiries to

25 propound in reference to these matters?

1 MR. SCINTO: No, not with reference to the matters
2 mentioned. And we do not have any inquireies to propound
3 at this time.
4 CHAIRMAN JENSCH: I still have the question of the
5 dispersive quality of the air, which I did mention at the
6 pre-hearing conference in August and I dare say from
7 Mr. Upton's statement that will be a matter to be presented
8 tomorrow.
9 MR. UPTON: Yes, sir.
10 CHAIRMAN JENSCH: Did you have something else,
11 Mr. Upton?
12 MR. UPTON: I have nothing to add, except to give
13 a reference to Dr. Geyer on the question he asked a few
14 moments earlier.
15 If you look at the third supplement to the pre-
16 liminary safety analysis, Exhibit B-3, question 1-A --
17 MR. GEYER: B-3 --
18 MR. UPTON: Yes.
19 -- there are three pages of that discussion
20 there. And after you read that, if you feel you need to
21 have it supplemented orally, of course we will do so.
22 CHAIRMAN JENSCH: Do any of the parties have any-
23 thing to discuss at this time? If not, it might be an
24 appropriate time to take a 15-minute recess to, in a sense,
25 wrap up our further inquiries if we have any.

1 Mr. Conner?

2 MR. CONNER: If the Board please, while you are

3 looking for that one reference, could you give me the one

4 on the cooling water having a negative quality?

5 CHAIRMAN JENSCH: That may be in a filing by the

6 applicant only.

7 MR. HALL: I believe this is in reference to the

8 statement and I don't have the documents in here. They are

9 down below, in which it is stated the water having a nega-

10 tive quality. I think this was a -15 percent quality, if I

11 recall. This is in the Hazards Analysis or Safety Analysis

12 as presented by the applicant, not in yours.

13 MR. CONNER: I misunderstood. I thought you

14 meant in the Staff document.

15 MR. HALL: No, it is not in the Staff document.

16 CHAIRMAN JENSCH: If I so indicated it, it was due

17 to the fact that I was interchanging references.

18 If there is nothing further at this time let's

19 recess to reconvene in this room at 11:15.

20 (Recess.)

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1 CHAIRMAN JENSCH: Please come to order.

2 By way of reference to certain matters that we
3 considered prior to the recess, the term I think I used was
4 operating rods, and it was used interchangeably with fuel rods.
5 The reference for which we would like a reference as to margin
6 is the reference to fuel rods as discussed on pages 9 and 11
7 of the staff Safety Analysis, particularly page 11, wherein
8 it is stated: "The Indian Point fuel rods will operate at
9 somewhat higher specific power (up to 20.7 kilowatts per foot),
10 and central fuel temperature (up to 4250 degrees Fahrenheit),
11 than the other facilities. However, sufficient margin is pro-
12 vided with respect to these parameters and sufficient fuel
13 failure is not expected to occur under steady state or transient
14 conditions."

15 It is that margin for which we would like a figure.

16 The negligible outleakage term is used on page 10,
17 and for that we would like a figure. There was one additional
18 matter more particularly set out on page 58 of the staff Safety
19 Analysis, in dealing with the gas storage building, the major
20 portion of which, I believe, is on page 57. We assume that the
21 fuel storage, waste handling system, by the statement being
22 housed in a reactor auxiliary building, will not be within the
23 containment building. And the statement is made, page 58: "Ac-
24 tivity levels in the tanks will be kept at levels sufficiently
25 low to limit the potential exposures of the site boundary from

1 the rupture or inadvertent release of the contents of any
2 tank to 0.5 rem."
3 We wondered what the mechanism or the means would be
4 to achieve that result. How would it be possible, in case of
5 a rupture, to be sure that if it has been used as a storage
6 tank that the boundary exposure limits would not be greater
7 than 0.5 rem. I believe that concludes what I had in mind.
8 Do you have anything further, Dr. Geyer?
9 MR. GEYER: Only in connection with the attachment
10 to the letter of September 8 of Mr. Bogart. I found it diffi-
11 cult at some spots to be sure who or what was being quoted.
12 I think in a letter of this kind, it would be desirable to
13 have it quite clear as to where the things within quotation
14 marks come from. I don't know whether that is something that
15 can be remedied or needs to be, at this time, but it certainly
16 would be helpful, if this proceeds further, to have some clarifi-
17 cation on that.
18 CHAIRMAN JENSCH: Do you have anything further, Dr.
19 Hall?
20 MR. HALL: No.
21 CHAIRMAN JENSCH: Is there anything further that any
22 of the participants would like to present or discuss at this
23 time -- bearing in mind applicant's counsel statement that
24 from his point of view and I think from all points of view, a
25 better response can be made at the evidentiary hearing to these
several matters. Is there anything further, staff counsel?

enddb

1 MR. CONNER: No, sir, only procedure matters.
2 We have copies of the proposed testimony, which, subject
3 to changes that might occur, we would have available.
4 The Board mentioned something about later
5 consideration of that.
6 We also have the question of Mr. Lovejoy's
7 testimony which I anticipate we will bring up sometime
8 later in the evidentiary hearing, but I thought I would
9 mention it now, in order if the Board would wish to take
10 a position on it.
11 CHAIRMAN JENSCH: I think in our discussion in
12 August concerning the proposed evidence from the witness
13 Lovejoy it was stated that if by the conference, prior to
14 the evidentiary hearing, there was no request made for
15 the presence of Mr. Lovejoy, the final determination
16 could be made if it would be necessary to call him.
17 I think no determination should be made today,
18 in view of the pending matters awaiting presentation
19 tomorrow. I would say the Board will be governed entirely
20 by the suggestions of the participants in that regard.
21 The Board has reviewed the proposed statement
22 of witness Lovejoy, but will not make a commitment as to
23 its reception until the evidentiary hearing convenes tomorrow.
24 And if it does become necessary to call witness Lovejoy,
25 a convenient time will be scheduled so that his presence

1 can be arranged without interference to the presentation of
2 other evidence.
3 Will that be agreeable to staff counsel?
4 MR. CONNER: Fine.
5 CHAIRMAN JENSCH: Is there anything further,
6 applicant's counsel?
7 MR. UPTON: Could I ask, Mr. Chairman, what we
8 would propose to do? All of the questions you have posed
9 today, and that you posed in the previous prehearing
10 conference, we would propose to collect and to the extent
11 that our answer is by us, we would answer them at the
12 conclusion of our testimony. Is that agreeable to the Board?
13 CHAIRMAN JENSCH: Yes. I think that has been a
14 procedure we have followed, except insofar as you can
15 conveniently include it in the course of the presentation
16 that is made. But I think the manner of presentation should
17 be left to the participant. We are more interested in the
18 response rather than the time.
19 Is there any suggestion from the State of New York
20 counsel respecting matters that might be considered at a
21 prehearing conference?
22 MR. SCINTO: We have no suggestions at this time,
23 sir.
24 CHAIRMAN JENSCH: If there is nothing further,
25 it will be noted again that the evidentiary hearing will

1 convene at 10:00 o'clock tomorrow morning, September 14, 1966,
2 in this hall, and it should be noted again, the use of which
3 hall we appreciate having been made available to us.
4 If there is nothing further, this prehearing
5 conference is now concluded.
6 (Whereupon, at 11:23 a.m., the prehearing conference
7 was concluded.)
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