Vol 1

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UNITED STATES ATOMIC ENERGY COMMISSION

In the Matter Of:

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.

(Suppl)

Docket No. 50-247

REGULATORY DOCKET FILE COPY

Place - Buchanan, New York

Date - 17 August 1966

Pages 1 - 70

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UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

10-3-66

IN THE MATTER OF)
)
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.) DOCKET NO. 50-247
(Indian Point Station Unit No. 2)

file w/ Transcript

APPROVED CORRECTIONS TO TRANSCRIPT

The following constitute approved corrections to the transcript in this proceeding and are as proposed by the participants herein:

Page	Line	Correction
16	6	Change "parties" to "plants".
22	25	Delete "but" before "not".
33	3	Change "water" to "wildlife".
"	5	Delete "for this,".
"	19	Change "corporate political" to "public corporate".
38	14-15	Delete the words following "attached".
"	19	Change "furnished which" to "furnished by".
"	20-22	Should read "the staff. As you know, we will obtain a copy of the ACRS letter and send it out. We also usually append it to our safety evaluation."
40	21	Change "shing" to "shining".
49	9	Insert ", both of" before "which".
"	10	Change "process and I" to "process. I".
"	18	Change "Commission" to "notice".

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Regulatory Mail Section

Page	Line	Correction
52	3	Change "Mr. Geyer" to "Mr. Cahill".
"	8	Change "Dr. Geyer" to "Mr. Cahill", and change "in" to "is".
"	21	Insert "do this" after "able to".
"	22	Change "which I have learned from" to "about which I have alerted".
56	23	Change "subjectly" to "substantially".
"	25	Change "suing" to "using".
74	18	Change "Atomic Space and Development Authority" to "Office of Atomic and Space Development".
79	21	Change "affirmation -- it" to "affirmation. It".
"	22	Change "late -- it" to "late. It".
80	7	Change "as" to "instead of".
87	2	Change "Atomic Space and Development Authority" to "Office of Atomic and Space Development".
"	11,14	Change "Page" to "Paige".
88	10	Change "intent" to "intend".
89	1	Change "though" to "thought".
97	4	Change "line" to "liner", in two places.
110	11	Change "conference" to "proceeding".
112 "	16-17 20-21	Change "Atomic Space and Development Authority" to "Office of Atomic and Space Development".
110a	12	Change "Joan" to "John".
123-124	25,1	Change "Atomic and Space Development Authority" to "Office of Atomic and Space Development".

Page	Line	Correction
170	1	Change "Joan" to "John".
"	3	Change "Miss" to "Dr.", and change "Joan" to "John".
184	10	Add "next" before "reviewed".
294	6	Change "indes" to "index".
309	11	Change "Public Health" to "the Public Health Law".
"	14	Change "Director" to "to rectify these problems".
326	4	Change "863" to "873".
"	12	Change "correspondents" to "corresponds".
330	17	Change "add" to "supplant".
332	13	Change "units" to "unit".
334	2	Change "data" to "date".
337	10	Delete the word "stacks".
364	11-12	Delete both lines and substitute "The hearing reconvened pursuant to the Board's order at 9:30 A.M."
377	7	Change "declaration" to "declassification".
378	8	Change "Noster" to "Nostrand".
386	9	Change "direction" to "distribution".
388	5	Change "cannot" to "can".
389	24	Change "vessel" to "vessels".
390	20	Change "critical" to "credible".
394	22	Delete the word "I".
399	9	Change "heat" to "peak".

Page	Line	Correction
406	7,18	Change "transience" to "transients".
407	10	Change "spacial" to "spatial".
412	4	Change "salient" to "same length".
419	10	Change "on" to "or".
422	6	Change "cooler" to "core".
"	17	Change "cal rods" to "calrods".
428	4	Change "interested" to "interest".
434	20	Change "standard" to "interest".
435	2	Add a quotation mark after "facts."
"	3	Delete the quotation mark after "denied".
436	1	Change "1 AEC 245" to "2 AEC 245".
453	14-15	Change "Proposed extension of AEC indemnity legislation," to "Proposed Extension of AEC Indemnity Legislation,".
455	19	Change "line" to "liner".
456	17	Delete the words "of the".
"	22	Change "affected" to "made effective".
464	19	Insert "of Health" after "Department".
466	13	Change "in" to "with" and "of" to "and".
"	15	Insert "and" after "measurement,".
467	4	Change "affluent" to "effluent".
"	16	Insert ", B," after "and".
"	22	Change "it" to "we also felt that it".

Page	Line	Correction
472	14	Change "device" to "devices".
480	7	Change "yes" to "no".
"	16	Change "first refueling it" to read: "first, refuelings".
487	12	Change "valve" to "valves".
"	14	Change "of, in" to read: "of repair, in".
"	15	Change "other, are" to read: "other instance are".
490	21	Change "15" to "0.1".
"	23	Change "relationship the" to "relationship until the".
494	4	Change "weight" to "wake".
500	25	Change "remains" to "reacts".
506	4	Change "criterion" to "criteria".
507	14	Change "control rod" to "controlled by rods".
508	15	Change "U-234" to "U-235".
"	22	Change "full powered moments" to read: "five full powered months".
511	18	Change "electric" to "isolation".
512	14	Change "principals" to "principles".
"	16	Change "principal" to "principle".
519	4	Change "drive-out" to "dry deposition".
521	23	Change "not on" to "not only on".
"	24	Change "but even" to "but also on even".
522	11	Change "combine them" to "a combination thereof".

Page	Line	Correction
525	8	Change "Page" to "Paige".
530	18	Change "60" to "61".
"	22	Change "some restraints" to "summary statements".
541	25	Change "companion" to "depend".
544	4	Change "spoon" to "plume".
548	17	Change "N^{-4}" to "10^{-4}".
"	18	Change "N^{-5}" to "10^{-5}".
551	13	Change "particular" to "particulate".
556	6	Change second word to "shutdown".
558	4	Change "960" to "916".
580	10	Change "releases" to "released".

ATOMIC SAFETY AND LICENSING BOARD

Samuel W. Jensch

By Samuel W. Jensch, Chairman

Issued:
October 3, 1966
Germantown, Maryland

UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

In the Matter of CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.	DOCKET NO. 50-247

CERTIFICATE OF SERVICE

I hereby certify that copies of the APPROVED CORRECTIONS TO TRANSCRIPT issued October 3, 1966 in the captioned matter were served on the following by deposit in the United States Mail, first class or air mail, this 4th day of October, 1966:

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OCT 5 1966
U.S. ATOMIC ENERGY COMMISSION
Mail Section

Office of the Secretary

cc: S. W. Jensch, Chairman, AS&L Board
Troy B. Conner, Jr., Esq.
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BEFORE THE

ATOMIC ENERGY COMMISSION

In the Matter of	:	
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.	:	Docket No. 50-247

Buchanan Engine Co. #1 Inc.
Albany Post Road,
Buchanan, New York.

Wednesday, 17 August 1966

The conference came on for hearing, pursuant to notice, at 10:00 a.m. -- Pre-hearing conference.

BEFORE:

SAMUEL W. JENSCH, Chairman
DAVID B. HALL, Member,
JOHN C. GEYER, Member, Atomic Safety and Licensing Board.

APPEARANCES:

ARVIN E. UPTON, ESQ . and EUGENE R. THOMAS, JR., on behalf of Consolidated Edison.

TROY B. CONNER, JR., DANIEL R. MULLER, PAUL NORIAN, RONALD WEISKOPH, ESQ., on behalf of the Atomic Energy Commission Staff.

JOSEPH F. SCINTO, ESQ., on behalf of the New York State Office of Atomic And Space Development.

P R O C E E D I N G S

CHAIRMAN JENSCH: Please come to order.

This proceeding is a pre-hearing conference scheduled by the United States Atomic Energy Commission setting this time and place for the pre-hearing conference and it was so designated in the notice of hearing on the application by Consolidated Edison Company of New York, Inc., for a provisional construction permit to build a nuclear power facility which had been designated tentatively at least as Indian Point Station No. 2.

The notice of hearing issued by the United States Atomic Energy Commission was given general public distribution, the effective date of the notice being July 29, 1966, and the general public distribution of that notice included not only publication in newspapers, I believe, to afford the public information concerning the notice of the hearing, but also was published in the Federal Register on July 30, 1966 as reflected by Volume 31 of the Federal Register at page 10331.

The notice of hearing is also a part of the public documentary material provided by the United States Atomic Energy Commission for the information of all persons desiring to be informed of this matter. The notice of hearing is quite extensive and will not, for this pre-hearing conference, be recited in any great detail.

The notice states that an application was filed by Consolidated Edison Company of New York under Section 104(b) of the Atomic Energy Act, as amended, for a provisional construction permit for a nuclear reactor designed to operate at approximately 2758 megawatts thermal. That would be located at the applicant's site, that is the site of Consolidated Edison in the Village of Buchanan, Westchester County, New York.

The specified issues were set forth in a notice of hearing which would be the subject of more extensive reference and consideration at the evidentiary hearing which was provided by the Atomic Energy Commission in the notice of hearing to which reference has been made.

The notice stated that as they become available, the application, the report of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards and the safety evaluation by the Commission's regulatory staff will be also placed in the Commission public document room located at 1717 H Street, Northwest, Washington, D. C., where they are available for inspection by members of the public.

Provision was also made in the notice of hearing for petitions for leave to intervene and also reference was made to provisions for those persons who desire to make an oral or written statement concerning their positions on the issues which have been specified for consideration.

The Commission, in its notice of hearing, stated that the matters to be considered at the pre-hearing conference would be those which have been enumerated in Section 2 paragraph (a) of the proposed statement of general policy pertaining to public hearings, which statement of general policy was published for public comment and interim guidance in the Federal Register on January 21, 1966.

The statement of policy to which reference is made enumerates several items that may be considered at a pre-hearing conference. Included among them are the significant safety questions which can be identified and discussed.

Secondly, any matters in controversy between the parties can be clearly identified. And any preliminary matters such as identifying witnesses to be presented by the parties or requested by the Board specifying the order, and method of presentation of the testimony scheduled to be exchanged, prepared testimony, documentary evidence determining the contents of the decisional record and method of designating exhibits, discussing procedures to be followed at the hearing and arriving at agreements as would aid in the conduct and expeditious disposition of the proceeding.

Included in that same statement of general policy by the Commission was this expression of desire that certain procedural matters be considered in addition thereto at a pre-hearing conference. One, by way of identifying the

personnel participating in the proceeding and the nature of the Atomic Safety & Licensing Board and the general procedures under which the hearing would be conducted.

The Commission identified the members of the Atomic Safety & Licensing Board for this proceeding. On my left and at your right is Dr. John Geyer, who has been named by the Atomic Energy Commission as a member of the Atomic Safety & Licensing Board for this proceeding. By way of introduction, his education and background includes a Bachelor of Science Degree in Civil Engineering from the University of Michigan; Masters Degree in Civil Engineering from Harvard, and a Doctorate in Engineering from Johns Hopkins University of Baltimore. He is at the present time Professor of Environmental Engineering, and he is Chairman of the Department of Environmental Engineering Science of the Johns Hopkins University. He is a former member of the Advisory Committee on Reactor Safeguards; a member of the President's Science Advisory Committee, Environmental Pollution Panel. He is a consultant in several Federal agencies in cities and industries in this field.

On my right and on your left is Dr. David B. Hall. His educational background includes Doctorate in Physics from the University of Chicago. He has been a member of the Manhattan Project, which is familiar to many in the nuclear field and has been associated with the staff at Argon &

Hanford Laboratories. Since 1945 he has been with the Los Alamos Laboratory which is operated by the University of California for the Atomic Energy Commission and he likewise has been a member of the Advisory Committee on Reactor Safeguards and its former Chairman.

The Advisory Committee on Reactor Safeguards is a statutory group provided by the Congress for the Atomic Energy Commission and constitutes a part of the safety reviews on important nuclear matters involved in applications for nuclear power facilities among other assignments.

Reference perhaps will be made to some further detail in that regard and in addition it may be mentioned that the scope of safety reviews of any nuclear powered project includes a review by the Division of Licensing of the Atomic Energy Commission.

The Advisory Committee on Reactor Safeguards and a review by the Atomic Safety & Licensing Board are likewise provided by the Congress, all prior to the ultimate and final decision which must be made by the Atomic Energy Commission itself.

My name is Samuel Jensch. I am the Hearing Examiner as designated by the Civil Service Commission under the Administrative Procedure Act and am presently assigned to the Atomic Energy Commission.

This proceeding will be conducted in accordance

with the Administrative Procedure Act as modified by the Atomic Energy Commission and the rules and regulations of the Atomic Energy Commission for hearings.

This pre-hearing conference is intended to be as is indicated by the Atomic Energy Commission to be informal. No evidence will be received at this pre-hearing conference. It is not intended that any witnesses will be sworn. But the Atomic Energy Commission has indicated, or rather has made, provision for pre-hearing conferences.

Experience has shown that the conduct of a pre-hearing conference prior to the evidentiary hearing substantially aids in the expeditious presentation of evidence and assists the parties in the preparation of a record which is submitted to the Commission for its consideration and determination.

With that as an outline of this proceeding, its scope, the members of the Board who are participating here, inquiry will now be made for a statement of appearances by the parties in this proceeding. First on behalf of the applicant. Is there an appearance on behalf of Consolidated Edison Company of New York?

MR. UPTON: Mr. Chairman, I am appearing for Consolidated Edison. My name is Arvin E. Upton of the firm of LeBoeuf, Lamb & Leiby, 1821 Jefferson Place, Northwest, Washington. I have with me my partner, Eugene B. Thomas, Jr.,

a member of the same firm and same address.

CHAIRMAN JENSCH: Thank you, sir.

Appearances on behalf of the regulatory staff of the Atomic Energy Commission.

MR. CONNER: My name is Troy B. Conner, Jr. With me on this case is Ronald Weiskoph, and I would like to note also at this time that two members of the technical staff of the regulatory staff, Daniel R. Muller and Paul E. Norian, are here today also.

CHAIRMAN JENSCH: Thank you, sir.

Prior to the convening of this pre-hearing conference a formal request was filed by the State of New York acting through its Director of the Office of Atomic & Space Development Company seeking an order permitting intervention by it in this proceeding. Time didn't permit answers to be filed by the parties to that request. It was the contemplation of the Board, and when I refer to the Board I am referring to the Atomic Safety & Licensing Board in this proceeding, that inquiry would now be made of the parties concerning this request filed by the State of New York.

Records in the public document room, as well as records which were served upon the Board, indicated that service was made by the State of New York upon Consolidated Edison Company of New York, as well as upon the regulatory staff of the Commission. Inquiry will now be made therefor .

First, is there any objection or comment by Consolidated Edison Company respecting this petition by the State of New York for permission to intervene in this proceeding?

MR. UPTON: No objection by the applicant.

CHAIRMAN JENSCH: Regulatory staff?

MR. CONNER: None.

CHAIRMAN JENSCH: Those being the only parties at the moment at least, the Board has given consideration to the petition prior to convening of this pre-hearing conference and if there is no objection interposed by Consolidated Edison Company nor the regulatory staff, the Board contemplated and now does grant the petition by the State of New York acting through the Director of its Office of Atomic & Space Development for leave to intervene in this proceeding, which as I say is granted, and the State of New York is permitted to become a party and participate in the proceeding. Time has permitted upon that contemplation the preparation of a formal order which the Board has approved this morning and copies of the order of intervention are available to the public as well as being available in the public document room in Washington, D. C., as well as available for any other public distribution sought by the public.

Mention should be made that upon our arrival here this morning there was upon the table used here by the Board

for this hearing a statement from S. T. Robinson, Jr., who is Chief of the Public Proceedings Branch of the United States Atomic Energy Commission, which telegram stated that a request to participate at the August 31 hearing in opposition to the proposed atomic plant at the site was received from Elizabeth R. Hogan, Benjamin Franklin Hotel, 222 West 77th Street, New York, New York. The Board has not been furnished with a petition nor has it had any other communication regarding this matter and reference is made to this telegram solely for the information of the parties. No decision will be made by the Board upon this telegraphic information. It is just mentioned for the information of the parties.

MR. CONNER: If the Board please, I might note on the record at this point that before leaving Washington yesterday we were able to get a copy of the actual letter that was filed which I have previously shown to counsel for the parties and I have them available if the Board would like to see the actual --

CHAIRMAN JENSCH: Could we have copies made available for the Board? Thank you. You have handed us a copy of this letter dated August 12. This document was addressed to the United States Atomic Energy Commission, Public Document Room.

In accordance with practice, I would assume that this document has likewise been made part of the public

1 document file at the Atomic Energy Commission and this letter
2 itself may warrant, may be sufficient to be the basis for
3 comment by the parties either now or later respecting this
4 letter. But in any event at this moment no decision will be
5 made by the Board respecting this matter.
6 That being the outline of this pre-hearing con-
7 ference, I think it is the intention of the Commission that
8 the parties here should feel free to initiate discussion on
9 whatever order seems advantageous in reviewing the case, but
10 in order to get started let's ask the applicant first in
11 reference to these different matters to which reference has
12 been made and which are enumerated in the statement of general
13 policy published in January 1966 as indicated by the
14 Commission.
15 Mr. Upton, do you care to speak to these matters?
16 MR. UPTON: Mr. Chairman, I have prepared an agenda
17 for this conference which I would like to tender at least
18 if it would be helpful to the Board. I have not shown it to
19 the parties in advance. Of course it can be varied in any
20 way the Board or parties would like to vary it, but I thought
21 it might be helpful to use it at least as a basis for
22 discussion.
23 CHAIRMAN JENSCH: We are happy to have it. Perhaps
24 while he is doing that inquiry may now be made: Is there
25 any person present here who seeks to intervene in this

proceeding and become a party?

MR. SCINTO: Would this be an appropriate time for me to make an appearance?

CHAIRMAN JENSCH: Yes. Will you do so please.

MR. SCINTO: My name is Joseph F. Scinto. I am counsel to the New York State Office of Atomic & Space Development. I am appearing here in this proceeding on behalf of the intervenor, State of New York. My office address is care of the Office of Atomic & Space Development, State Office Building, Albany, New York.

CHAIRMAN JENSCH: Thank you, sir.

I heard no response to the request whether any other person was present here who sought to intervene in this proceeding and I assume lacking such response there is no person present here who does seek to participate.

It might be said in that connection that those persons who may desire to participate in a limited way or as the rules provide by limited participation by making a statement of their position will be afforded the opportunity to do so when the evidentiary proceeding convenes in this proceeding. It is not contemplated that such persons need make their statements at this time.

Will you proceed Mr. Upton, please?

MR. UPTON: So far as the agenda is concerned, I think the first two items have been covered and I don't think

as counsel for the applicant that I have anything to add to what the Board has said about the nature of the pre-hearing conference. I don't know whether counsel for the other two parties do or not. Perhaps you would like to ask them.

CHAIRMAN JENSCH: Does staff counsel desire to make any statement in reference to the noted matters?

MR. CONNER: No, sir, but we might -- I will note at this point that we think the agenda provided by Mr. Upton makes a good point of departure. We may have other things to add, but this is a fine starting point.

CHAIRMAN JENSCH: Very well.

State of New York?

MR. SCINTO: We believe this is a good point from which to discuss.

CHAIRMAN JENSCH: And you don't desire to supplement any of the prior presentations on these two subject points so far?

MR. SCINTO: No, sir.

CHAIRMAN JENSCH: Very well.

Will you proceed, Mr. Upton.

MR. UPTON: Thank you, sir.

So far as the case which we intend to present at the evidentiary hearing, we will start with an oral statement as required by the Commission's rules, which would be given by Mr. W. Dunham Crawford, vice president of Consolidated

1 Edison, which will discuss in a general way the safety aspects
2 of the plant and policy considerations that have led the
3 company to decide to build this plant.
4 Now, as I understand the Commission's regulations,
5 and I will be frank to say, Mr. Chairman, it isn't entirely
6 clear to me whether an oral statement is considered evidence
7 or is not considered evidence. The regulation doesn't even
8 indicate what is to be given by counsel or by an officer of
9 the company.
10 CHAIRMAN JENSCH: I don't think it is intended to
11 limit either one, but if the person was sworn I would take
12 it as evidence. Either way --
13 MR. UPTON: I presume if it were given by the lawyer
14 the lawyer wouldn't be sworn.
15 CHAIRMAN JENSCH: We will be glad to have you sworn
16 if you desire.
17 (Laughter)
18 MR. UPTON: I am afraid it would be hearsay evidence.
19 CHAIRMAN JENSCH: Will you proceed, please.
20 MR. UPTON: We don't intend, as I read the
21 Commission's regulations, that an oral statement is not
22 considered testimony in the strict sense. We don't intend
23 to distribute that oral statement in advance as we do the
24 other testimony. I wanted to --
25 CHAIRMAN JENSCH: Mr. Crawford will be sworn.

MR. UPTON: Yes, sir. As you wish.

CHAIRMAN JENSCH: He will be available for examination.

MR. UPTON: Yes, because he will also be a witness as well as make the oral statement.

CHAIRMAN JENSCH: Very well.

MR. UPTON: Next, we will have testimony by Mr. Cleary, who is the president of Consolidated Edison, who will talk generally about the financial and technical qualifications of the company and will discuss the policy considerations that have led the company to build this plant and the nature of the Consolidated Edison system, size, characteristics, and so forth.

CHAIRMAN JENSCH: In that statement is it contemplated he will make reference to operations of Indian Point 1? Were they a part of the consideration? Was this part of the consideration for Indian Point No. 2?

MR. UPTON: Yes, sir, there will be a reference to that.

CHAIRMAN JENSCH: Very well.

MR. UPTON: And there will be a reference to that in other testimony as part of the technical qualifications of the applicant; the operating experience in Indian Point No. 1 as furnishing technical qualifications for the design and operation of Indian Point No. 2.

1 CHAIRMAN JENSCH: Thank you.

2 MR. UPTON: There will also be, I may say Mr.
3 Chairman, although this is anticipating matters a bit, there
4 will be in the summary of application a discussion of the
5 comparison of Indian Point No. 2 with Indian Point No. 1 and
6 also a discussion of the relationship of the two parties.

7 CHAIRMAN JENSCH: Since this is so highly informal
8 I hope you will excuse my interruptions to you, but in the
9 statement of policy by the Commission published in January
10 1966 reference was made to a summary statement that the
11 applicant will prepare and file and submit in reference to an
12 applicant -- for instance, under Section 2, subsection (e)
13 of the statement of policy published on January 21, 1966,
14 it is provided that a schedule may be established at the pre-
15 hearing conference for exchange of prepared testimony.
16 The applicant ordinarily files a summary of his application
17 including a summary description of the reactor and his
18 evaluation of the considerations important to safety, and the
19 staff files a safety analysis prior to the hearing.

20 In your references to that which you intended to
21 adduce, have you included the summary description as contem-
22 plated by this statement of policy?

23 MR. UPTON: Yes, sir.

24 CHAIRMAN JENSCH: Very well. And this will be
25 something in addition to that which Mr. Crawford will present,

is that correct?

MR. UPTON: Yes, sir. I think if you will bear with me just a moment, if you go down the agenda to item 4(e) on the first page it refers to the summary of application.

CHAIRMAN JENSCH: Very well.

MR. UPTON: After Mr. Cleary, Mr. Crawford will testify on the decision to build this particular plant and he will describe generally in his testimony the nature of the plant and the safety characteristics and so forth.

After Mr. Crawford testifies we will have an expert witness, Dr. Roger McCullough, who is a former Chairman of the Advisory Committee on Reactor Safeguards, and who is now a private consultant who will give his expert opinion in a general way as to the safety of the design of the plant.

Then, Mr. Chairman, we will have a summary of --

CHAIRMAN JENSCH: Will his testimony be so limited or will he talk about environmental aspects as well?

MR. UPTON: No, he will not talk about environmental aspects. One of the members of the panel who will sponsor the summary of application will talk about environmental aspects and we will also have a large number of backup specialists, Mr. Chairman, in all these various areas, who are available if the Board wishes to question them.

CHAIRMAN JENSCH: Very well.

MR. UPTON: Now the summary of application which is

responsive to the Commission's rules, if the Board thinks it would be helpful we have that in draft form. We haven't completed it yet but I could read to you an outline of what we intend to put in the summary of application to see if that in general meets with your approval.

CHAIRMAN JENSCH: Will you proceed, please.

MR. UPTON: First item I don't think there will be any difficulty. It is called "Introduction."

CHAIRMAN JENSCH: What does that include?

(Laughter)

MR. UPTON: Second is plant site and environmental characteristics.

Third is a description of the reactor facility.

The fourth is accident analysis.

The fifth is similarities to other pressured water reactors that have been approved for construction and/or operation by the Commission.

The sixth is differences from other pressurized water reactors that have been approved for construction and/or operation by the Commission.

The seventh is a comparison with and a discussion of the relationship to Indian Point No. 1.

The eighth are the principal engineering and architectural criteria.

The ninth is the research and development program. Then there is the conclusion.

CHAIRMAN JENSCH: Just by way of introduction, Mr. Upton, can you give us the figures again? What is the capacity of Indian Point No. 1 and the contemplated capacity of Indian Point No. 2?

MR. UPTON: The capacity of Indian Point No. 2 is 873 megawatts. The capacity of Indian Point No. 1 really has to be described in terms of its nuclear capacity -- I believe that is 165 megawatts, and with the use of superheat I think the capacity is 290.

CHAIRMAN JENSCH: This is megawatts thermal?

MR. UPTON: No. Megawatts electrical.

DR. HALL: The superheat is not nuclear?

MR. UPTON: It is not nuclear superheat, no.

CHAIRMAN JENSCH: Will you proceed, Mr. Upton.

MR. UPTON: Next item I have. I can name for you, if you like, the people who will be on the panel but I don't know whether there would be any point in that.

CHAIRMAN JENSCH: I think it is better that we have it in mind, unless you desire to supplement it with the identification of the witnesses. But if I may speak for the Board, I think we are most interested in the subject matter at the moment.

MR. UPTON: There will be five or six people.

We haven't decided yet who will sponsor the summary of application and who will be able to answer questions on various portions of the application that the Board or others may have.

In addition to this panel, we will have a number of backup experts who are specialists in the various disciplines associated with the design and construction of the reactor and who will be available, who can be sworn, whose qualifications will be available to answer particular questions that members of the panel feel are too detailed for them to get into.

Now I believe the next item, Mr. Chairman, I should yield to Mr. Conner.

CHAIRMAN JENSCH: Mr. Conner.

MR. CONNER: Following the outline suggested by Mr. Upton, the staff's case of course will be presented as it is traditionally presented in these cases with the technical evidence being presented in the form of the staff's safety evaluation which will be sponsored by technical witnesses from the regulatory staff.

In addition to Mr. Muller and Mr. Norian, whom I have already identified, our witnesses will probably include Edson Case and Maurice Rosen. These witnesses will sponsor the safety evaluation and be available for cross-examination by the Board and the parties.

In addition we will present our analysis of the

financial qualifications of the applicant in the form of testimony by Charles Lovejoy, who is employed in the Office of the Comptroller of the Atomic Energy Commission.

If I may at this point, I would note that we have previously distributed copies of Mr. Lovejoy's testimony which on closer reading we discovered that while all of the figures are correct there were several typographical errors, particularly on page 4, so we have retyped pages 3 and 4 to eliminate typographical errors, and if it is agreeable to the Board I would furnish you clean copies of this testimony and furnish them to the parties as well at this point.

CHAIRMAN JENSCH: Very well. Will you do so and you will also file corrected copies in the public document room.

MR. CONNER: Yes, sir.

CHAIRMAN JENSCH: Thank you.

That which you have now given is a complete presentation by your proposed witness including the correction of the typos on pages 3 and 4, is that correct?

MR. CONNER: Yes, sir. There is no substantive changes whatsoever. It is merely corrections in the spellings.

DR. GEYER: We can discard the other?

MR. CONNER: Yes, sir.

Following the suggested form of Mr. Upton's agenda, I will yield now to the State of New York. However I would

note that Mr. Muller is prepared to make a presentation at this pre-hearing conference of his matters considered by the Commission's statement of considerations to identify particular significant safety questions that we have considered. Mr. Upton's agenda places that at about item 8, so I would merely say at this time that we are prepared to present that at any time.

CHAIRMAN JENSCH: This isn't in lieu of the safety analysis that the staff is preparing?

MR. CONNER: No, sir. Not at all. This is a mere summary of significant points which we understand the Commission wants us to be prepared to identify, not as evidence, but merely to identify as things that will be covered by the safety evaluation at such time as it is distributed.

CHAIRMAN JENSCH: Very well.

DR. HALL: Mr. Conner, the applicant was indicating that he proposed to present the analysis of Indian Point No. 2 in direct comparison with Indian Point No. 1 and other reactors, boiling water reactors which have been operating, and is it the intention of your staff then to prepare your analysis in the same framework?

MR. CONNER: May I have just a moment.

Mr. Muller has informed me, perhaps he can respond directly if you wish, but not so much a comparison with merely

Indian Point No. 1, but with other reactors of more recent vintage that perhaps make better comparisons such as Connecticut Yankee and Brookwood.

DR. HALL: I think this perhaps is a better way of doing it. I think the Board would be very interested in knowing and having you identify those areas which are indeed the extrapolations and the basis for the extrapolations and the confidence with which you think these extrapolations can be made.

MR. UPTON: Mr. Chairman --

CHAIRMAN JENSCH: Excuse me just a moment. It may be mentioned that this Atomic Safety & Licensing Board has not had any prior review or experience with the documents submitted in this proceeding until they were transmitted to the Board by the Atomic Energy Commission following the issuance of its notice of hearing, and therefore we will necessarily make inquiry of the parties based upon the review we are now continuing.

For the record it should be stated that as indicated the Atomic Safety & Licensing Board is a completely independent and objective group which has not had any association with the regulatory staff respecting this case or with the applicant or with any other party. Neither Dr. Geyer nor Dr. Hall is in anywise regularly employed by the Federal Government, but

rather these two gentlemen are drawn from outside the purview of Commission activities to participate as members of this Atomic Safety & Licensing Board and therefore these inquiries we now make are based upon the review we have undertaken to date and the review we will continue following submission of documents.

Will you proceed.

MR. UPTON: Yes, sir. I wanted to say I hope I didn't give the impression the main thrust of our comparison is with Indian Point No. 1. The main thrust of our comparison is with all pressurized water reactors that have been approved for construction by the Atomic Energy Commission, including those most recently approved. We have a separate section on the comparison with and relationship to Indian Point 1. We thought that would be of interest to the Board to point up to the Board the extent to which common facilities are being used by the two units and the extent to which they are not being used. That is the main purpose of the discussion of Indian Point 1.

CHAIRMAN JENSCH: Mr. Conner, were you going to ask Mr. Muller to make a statement of significant safety matters even though Mr. Upton's agenda has it later? I think it would be helpful if we could hear some general outlines now as we proposed to give consideration to these several matters, if it would be agreeable to you if he would make his statement

now. Would that be agreeable?

MR. CONNER: Yes, sir. We will try to make this as concise as possible and identify the significant safety areas and other matters that are of particular, the staff has focused particularly upon.

CHAIRMAN JENSCH: Very well.

#1 Will you proceed, please?

CHAIRMAN JENSCH: Since this is not a proceeding for the presentation of evidence of course Mr. Muller need not be sworn. Will you proceed?

MR. MULLER: Thank you.

I will first give a brief description of Indian Point 2 facility.

CHAIRMAN JENSCH: Do you have copies of the statement you are now about to read?

MR. MULLER: No, sir. Just this one.

The Indian Point Unit 2 will be a 2,758-megawatt thermal pressurized water facility with a gross electrical output of 916 megawatts. The analyses presented by the applicant for normal operation and accidents, as given in the Preliminar Safety Analysis Report, are based upon this power level,2,758 megawatts.

The proposed facility will be located at the applicant's Indian Point site just south of Peekskill, New York. The proposed Indian Point Unit 2 facility is similar to other recently licensed pressurized water reactors. As such it will be fueled with uranium dioxide pellets sealed in zircaloy fuel rods. The means of control and instrumentation and containment will be comparable. The active core will have an equivalent diameter of about 11 feet and a length of 12 feet. The core will contain 104 tons of uranium dioxide fuel plus about 22 tons of zircaloy as fuel cladding and

other structural material. The nuclear core will be contained within a steel pressure vessel designed for 2,485 pounds per square inch. The primary coolant will be circulated through the nuclear core and the four steel generators by four 90,000 gallon per minute primary coolant pumps. Steam formed in the generators will be piped to the turbine generator.

All of the primary coolant system equipment will be located within a reinforced concrete containment structure which is similar to that now being constructed for the Connecticut-Yankee facility. The containment is designed to withstand pressures and temperatures that would occur in the unlikely event of the failure of the largest primary coolant line. It is also designed with very leakage rate so as to retain radioactive fission products that might be released as a consequence of this, as well as lesser accidents.

Electrical power generated at the facility will be transmitted to the Consolidated Edison Distribution System via existing 138 kilovolt lines. In case of loss of all outside electrical power at the site, three diesel generators will be provided to supply auxiliary power so that the reactor can be safely shut down, even in the unlikely event of a concurrent loss-of-coolant accident.

CHAIRMAN JENSCH: Excuse me for interrupting. I think you may assume we have read a general description of this facility. We have had for over a month the two or three

1 large volumes that Consolidated Edison filed.

2 If you could proceed to the safety items, we have
3 the figure how large this is and it is going to be in Buchanan.
4 If you had a copy it would be helpful but if you can, just
5 enumerate the safety --

6 MR. MULLER: All right. This is the next thing I
7 am getting into.

8 Although the proposed facility is similar in
9 concept to other recently approved pressurized water reactors
10 such as Connecticut-Yankee and Brookwood, there are a number
11 of differences in detail. These relate principally to the
12 Indian Point Unit 2 containment and engineered safeguard
13 system which is more extensive than those of the other faci-
14 lities. This more extensive equipment is proposed to
15 compensate for the generally higher population density in the
16 vicinity of the site. These differences include:

17 1. There will be very low leakage from the contain-
18 ment vessel due to the following new features: A penetration
19 pressurization system which pressurizes an air space in the
20 potential leakage paths of electrical and personnel penetrations,
21 thus precluding outleakage via these paths. Channels placed
22 over all containment liner welds and welded joints around
23 major penetrations. The air space in these channels will be
24 pressurized to detect leakage. Many of the fluid and gas
25 penetrations will be installed such that a water leg or water

seal could be maintained in the line if an accident were to occur.

DR. HALL: Excuse me. It is not a water seal normally but you are saying, as I understand it, you are saying the water seal could be imposed or established should it be needed.

MR. MULLER: Yes, sir.

2. Two independent means will be provided to remove from the containment atmosphere the radioactive airborne fission products which would be present after an accident. These are --

CHAIRMAN JENSCH: Excuse me a moment. If I understand just what Dr. Hall was saying and your response you say the water seal could be established if needed. Will it be too late? How do we know it is needed?

MR. MULLER: This would be immediately after an accident and in which a significant amount of radioactive --

CHAIRMAN JENSCH: It wouldn't be any further mechanical construction to accomplish this.

MR. MULLER: No. This would be opening a valve. Something similar to that.

CHAIRMAN JENSCH: All right. Excuse me.

MR. MULLER: The two independent means to remove radioactive airborne fission products would be activated charcoal filters, which is a part of the air recirculation

system, and the addition of sodium thiosulphate in the containment spray water.

The safety injection system would add cooling water to the primary system if a piping failure -- which would add cooling water to the primary system if a piping failure were to occur has been increased both in capacity and flexibility.

The components of the post accident reactor core and containment cooling systems which are required for long-term cooling following a major accident will be located within the containment structure. This precludes the necessity of pumping radioactive water outside of the containment structure and thus removes a potential path of leakage for radioactivity.

During our review we have also identified a number of areas which are of particular safety significance and which have received our particular attention. These are:

1. The containment pressure transient following loss of coolant accidents. The mechanism -- I am sorry.

2. The mechanism and consequences of zirconium water reactions including this reaction as a source of hydrogen gas.

3. The penetration pressurization and seal water systems which would help achieve very low containment leakage rates.

4. The iodine filtration system and possibility and consequences of inadvertent ignition of the iodine filters.

5. The fabrication, quality control and in-service

inspection of the pressure vessel.

6. The capability of the safety injection system to cool the core in the unlikely event of a major pipe rupture.

Also as a result of the review of this facility by the Regulatory Staff, a number of changes have been made in the design. The more important of these are as follows:

1. The previously mentioned post accident reactor core and containment cooling system components have been moved from the primary auxiliary building to inside the containment structure. This change was made to minimize sources of potential leakage.

2. The capacity of the core cooling system has been improved by the addition of pumping capacity and piping. These particular improvements were made because if after an accident the reactor core is allowed to heat up, melt and slump to the bottom of the reactor vessel it might conceivably melt through the reactor vessel. In this event, the integrity of the containment vessel might be endangered.

3. The heat removal capacity of the five air recirculation coolers has been increased to equal that of the containment spray system. Either system can thus prevent containment over pressurization following a major or loss of coolant accident.

In our review we have identified a number of areas

in which further evaluation will be required during construction of the facility and prior to the issuance of the operating license. These are:

1. The effect of partial or full failure of core cooling systems.

2. The capacity of the core cooling system to prevent excessive fuel damage following a primary system piping failure.

3. The ability of the air recirculation system halogen filters to function as predicted.

Finally, the development of final core design and final thermal hydraulic and physics parameters.

CHAIRMAN JENSCH: Thank you.

Will you proceed with your agenda, Mr. Upton? The State of New York I think was next on your item. Does the State of New York contemplate presentation of evidence?

MR. SCINTO: Yes, Mr. Chairman. We expect to present testimony from the director or deputy director of the Office of Atomic and Space Development. We will have a statement on behalf of the Commissioner of Health and a statement from the Department of Conservation. We also will have a statement from the City of New York as part of our presentation.

CHAIRMAN JENSCH: Statement of Conservation would be related to what phases?

MR. SCINTO: Department of Conservation in conjunction with the Health Department has looked into such matters as the radiological effects on fish and water resources in this area for this proceeding.

It has also looked into other effects not for this, within the scope of the issues set forth in the notice of hearing for the proceeding.

CHAIRMAN JENSCH: Thank you.

MR. SCINTO: If I may, Mr. Chairman, I would like at this time to clarify one matter which is sometimes confusing about the status of the Office of Atomic and Space Development. It is an office of the executive department of the government of the State of New York and as such has the statutory functions which are outlined in our petition to intervene.

CHAIRMAN JENSCH: Where does the confusion arise?

MR. SCINTO: It is sometimes misunderstood to be confused with the New York State Atomic and Space Development Authority which is a separate corporate political body.

DR. HALL: As a point of curiosity, have you had an opportunity to study and evalute the summary report as prepared by the applicant?

MR. SCINTO: Yes, we have. We have received the copies of the -- we received copies of the summary report in its original form when filed. We received sufficient

copies to distributeto the interested agencies of the State. We have received copies of all supplements thereto in sufficient copies for distribution.

CHAIRMAN JENSCH: Will you proceed, Mr. Upton?

MR. UPTON: Next item on my agenda is decisional record. Number 7.

CHAIRMAN JENSCH: In the interim the parties had an opportunity to review this? Is there any objection to this outline set forth by this agenda?

MR. CONNER: If the Board please, there is the old puristic argument that pleadings can't be part of a decisional record but I think that is a totally academic point so that since these do identify those documents which will be before the Board in this proceeding we have no other comment. We could consider it a comprehensive list of such documents.

MR. SCINTO: Mr. Chairman, we do have a suggestion for inclusion of an additional item approximately between E and F that would appear and that would be the intervention by the State of New York and the Board's order permitting such intervention.

MR. UPTON: No objection.

CHAIRMAN JENSCH: Very well. It will be so understood. I think the point to which staff counsel referred is one that bears analysis. I am going to use the term perhaps it is more related to court proceedings but self-serving

statements are never accepted as evidence as staff counsel indicated. I think insofar as for instance the staff safety analysis would modify presentations made by applicant in the proceeding it should be understood the statements asserted by applicant in his presentation would not necessarily be required to be accepted. If there had been controversy raised or modifications suggested in reference to any presentations made by any one party, it still requires resolution of the issue that has been brought into focus.

That is the point to which you referred, was it not?

MR. CONNER: Yes, sir.

CHAIRMAN JENSCH: I think with that condition understood or that status of the applications and documents understood I think as a matter of formality there generally is no objection to inclusion of applications and amendments and answers to questions and that sort of thing being a part of the record to which reference can be made in the decisional process. That is your intention, was it not?

MR. UPTON: I have no quarrel with the statement you made or the statement Mr. Connors made except to say that we don't propose simply to leave the application and the amendments in the status they now are. We propose if the staff is agreeable to introduce them at the hearing as a joint exhibit of the staff and the applicant.

CHAIRMAN JENSCH: Very well. Is there any further reference that you desire to make to this item 7 in your agenda?

MR. UPTON: No further reference, sir.

CHAIRMAN JENSCH: Very well.

MR. UPTON: Item 8 we have already discussed, I think.

CHAIRMAN JENSCH: What do you suggest on number 9?

MR. UPTON: The reason I put that on the agenda, Mr. Chairman, is because if I may refer to another proceeding, which the Chairman was also in the Brookwood proceeding for Rochester Gas and Electric, you will recall that when people made limited appearances we tried to answer the questions at the close of the hearing on the record that were raised by the people who made limited appearances.

Now we are certainly prepared to do that in this instance if there are really questions but we want to tell the Board we really don't propose to try to respond to any general attack upon the whole atomic regulatory process in the nature of answering the question and we hope that attitude will be acceptable to the Board.

I think it is a little academic to talk about this question now. That is why I am not sure I should put it on the agenda.

CHAIRMAN JENSCH: I think the statement of policy by the Commission indicated that if the opportunity is given

for presentation by limited participants of their statements early in the proceeding the parties would have an opportunity to answer relevant and pertinent inquiries that may be presented. That necessarily may take care of the problem you have in mind.

MR. UPTON: Yes, sir.

CHAIRMAN JENSCH: Proceeding to item number 10, as I went over the record before I left I wonder if you can consider your discussion of this item number 10 the fact that as I understand it we have not yet received the report or the letter by the advisory committee on reactor safeguards and I merely mention that without any expression of regarding any delay in any respect.

The advisory committee is undoubtedly giving further consideration to this matter and we will await their report with interest. I wonder however if that would affect any of the consideration or procedureal dates as you contemplated any discussion in reference to item 10 on your agenda.

MR. CONNER: If the Board please, I could perhaps shed some light on this which might help the subsequent discussion and if this would be a convenient time I might identify on the record the material that has already been sent to the Board and then the subsequent documents that would necessarily have to come in from the staff as a preface to discussion of the schedule.

CHAIRMAN JENSCH: Will you proceed, please?

MR. CONNER: In accordance with past practice we have already furnished to the Board the basic application filed by the applicant in a letter to the Board dated July 12, 1966. Subsequently received amendments to the applications 4 and 5 were sent to the Board on August 1, 1966.

We also furnished to the Board a document usually referred to as an index which is a reference to portions of the applications which it has been thought would assist the Board in finding particular items in the application. This document and the proposed testimony of Mr. Lovejoy was sent to the Board on August 12, 1966.

An index to the documents comprising the application and the letters from the staff was also attached. This is the -- and Mr. Lovejoy's testimony in the index is merely an aid.

These filings have provided the Board with the basic information of a pre-hearing nature that exists in this proceeding. Which then brings me to the second portion of the items I mentioned, that which remains to be furnished which the staff, and as you know, we obtained a copy of the ACRS letter and send it out and also usually appended to our safety evaluation.

As you also know, the completion of our safety evaluation requires incorporation of some comments which may be made by the advisory committee on reactor safeguards in

1 its letter. Knowing that this pre-hearing conference was
2 of course scheduled for today I yesterday called Ray Fraley,
3 the secretary of the ACRS, to see if it might be possible to
4 get the ACRS letter a little earlier than usual but he said
5 they were trying to expedite its release but he didn't think
6 it could be signed and issued before today.
7 I might note that the ACRS prepared the letter in
8 draft form at its meeting last Saturday so that as both
9 Dr. Geyer and Dr. Hall knows, it takes a little while for
10 mechanical reproduction, signature and subsequent release.
11 On that basis it would appear that we will be able to send
12 the ACRS letter to the Board perhaps tomorrow but rather
13 certainly by Friday. On this basis, we will attempt to com-
14 plete our safety evaluation in order that it can be issued
15 promptly.
16 However, it would appear that we will be unable to
17 release that document any earlier than next Monday, the 22nd,
18 and that is an optimistic assumption considering the re-
19 production and --
20 DR. HALL: You said the 22nd.
21 MR. CONNER: Yes, sir. We are trying to have it
22 ready for release next Monday.
23 DR. HALL: May I inquire of you: Are you confident
24 of the content of the ACRS letter so that you feel that
25 there will not be any substantive questions raised which

1 require additional exchange between the applicant and
2 ACRS or between the applicant and the staff or --
3 MR. CONNER: Yes, sir. The ACRS, at its meeting,
4 considering this, not writing the letter, but it advised the
5 parties that the letter would recommend favorably that the
6 facility could be constructed and operated without undue
7 risk to the health and safety of the public.
8 It recommends that certain items be looked at and
9 these are subsequently the same things that had been
10 identified by Mr. Muller in his statement but we have not
11 seen the final version of the letter and therefore can't
12 say that we know positively that every point is covered at
13 this time.
14 DR. HALL: You don't think there are any sleepers
15 hidden in here.
16 MR. CONNER: You would be the best judge of that
17 by far.
18 (Laughter.)
19 DR. HALL: As we are both aware, sometimes those
20 words that seem so clear to the committee as a righteous
21 letter turn out to be shing examples of ambiguity by the
22 time they get to staff or the applicant.
23 MR. CONNER: Right and this is why I am a little
24 nervous about our proposed schedule.
25 DR. HALL: I am too.

MR. CONNER: So we will do everything we can to get the safety evaluation out as soon as possible but I feel that the 22nd is the most optimistic date conceivable. In fact it is probably too optimistic.

CHAIRMAN JENSCH: Let's go the other extreme. What is your pessimistic date?

MR. CONNER: Well, I think a realistic date is next Wednesday, the 24th. I believe that we can have it mailed out no later than the 24th and that of course means then Dr. Hall In Los Alamos wouldn't get it for perhaps a day or two. Dr. Geyer I assume will get it the following day. Mr. Jensch will get it in the Commission mail.

DR. HALL: It all depends on whether the airlines have resumed carrying mail.

MR. CONNER: Yes.

CHAIRMAN JENSCH: What I have in mind, when we think of those dates, the Commission, in the general policy consideration, which of course is not a rule but -- it couldn't be a rule since it only pertains to what the Commission has in a sense permitted itself to undertake. A rule would be that which all parties would be obligated to perform. But as a commitment to, in a sense, due process, the Commission, as early as December 1962, in speaking of the time that it desires that participants would have to review these things, designated certain intervals that might be considered.

I have had the impression from those statements of consideration in reference to the Rules of Practice which are issued by the Atomic Energy Commission in December 1962 as published in the Federal Register, 27 Federal Register 12184, that the ACRS letter is -- when I say ACRS letter I understood it to be the Advisory Committee on Reactor Safeguards, is a pretty fundamental consideration that should be available for review and likewise consideration by the participants in the proceeding including the Atomic Safety and Licensing Board.

Now I infer -- as well as the members of the public. I infer from staff counsel's statement that while he may have a general idea of the ACRS letter, he will await likewise with interest the final form of the Advisory Committee on Reactor Safeguards' letter. The statement of consideration by the Commission is in part as follows: Notice of the hearing will be published in the Federal Register at least 30 days prior to the date of hearing. Public announcement will be issued by the Commission with copies of the ACRS report attached.

Now it doesn't say when the public announcement will be issued but being in sequence in that presentation, it might be concluded that the public announcement will be of the notice of hearing and will follow very closely upon the issuance of notice of hearing by the Atomic Energy

1 Commission. That would mean that the Advisory Committee
2 on Reactor Safeguards' letter might be available as early as
3 30 days prior to an evidentiary hearing.
4 And then it said that approximately 20 days prior
5 to the hearing the staff hazards analysis will be made
6 available -- it says will file a staff analysis, and the
7 applicant will file a technical statement containing a
8 summary description of the reactor.
9 And I assume that it was intended that the appli-
10 cant likewise should have the benefit of the Advisory Committee
11 on Reactor Safeguards' letter for such consideration as it
12 may desire to give to it in reference to the technical analysis
13 which is described by the statement, consideration by the
14 Commission.
15 Then it goes on and says if after a review of the
16 statements prepared by the applicant, the AEC staff and the
17 report of the ACRS, it appeared desirable to the Board, that
18 is to the Atomic Safety and Licensing Board, or upon
19 request of any parties to the proceeding, the Board may
20 arrange a conference and so forth.
21 The conferences may be used to assist the Board
22 and parties in focusing attention on important questions
23 involved in the case. If the Board feels that additional
24 expert testimony would be desirable on any particular
25 matter it may request the applicant or the staff as

1 appropriate to arrange for additional experts to testify,
2 which may entail some time necessarily for the applicant
3 to prepare for such things as a Board may submit for con-
4 sideration at a conference.
5 This is not designated as a pre-hearing conference
6 in the statement of consideration. It could well be, however.
7 I presume ordinarily it might well be in the ordinary course
8 of events that at a pre-hearing conference after a review of
9 some of these documents, the parties would, and all members
10 of the public would be able to informally discuss these things
11 and among parties enumerate some items on which the Board
12 desire some additional technical presentation.
13 I mentioned all this because I am seeking inquiry
14 from the parties here now whether those contemplations
15 would affect, in your judgment, the time when we can go
16 forward with an evidentiary hearing.
17 MR. UPTON: Mr. Chairman, I don't want to quarrel
18 with the reasonableness of the time period that is set forth
19 in the statement of considerations in 1962 but I think the
20 Commission later decided that it wanted to give itself and
21 the staff more flexibility in this regard because if you
22 will look at the new rules in the appendix, Statement of
23 General Policy, page 9, which refers to the 1962 statement
24 of policy and says that several of the panels recommendations,
25 that refers to the so-called Mitchell Panel, an advisory

1 committee set up by the Commission to visit on regulatory
2 policy, which was submitted on July 14, 1965 were implemented
3 in the amendments to part 2 which have been issued simultaneously
4 herewith.
5 As a result of those amendments, the statement of
6 considerations and press release referred to above no longer
7 accurately reflect in detail current Commission rules policy.
8 As I interpret that statement, in the new statement of
End #2 9 policy, the old statement of policy has been superseded.
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1 CHAIRMAN JENSCH: The Commission hasn't adopted
2 these proposals which were published in January 1966, as
3 yet, have they?
4 MR. UPTON: They have adopted the statement of
5 policy, as I interpret it, Mr. Chairman, in the sense
6 that they have been issued for interim guidance of Board.
7 Whatever that means is up to the Board.
8 CHAIRMAN JENSCH: Tell us what you think they
9 have or have not adopted.
10 MR. UPTON: I think the Commission intends for
11 the Board to follow the new statement of policy and to
12 follow the proposed rules and regulations, except to the
13 extent that they are inconsistent with rules and regula-
14 tions currently in effect.
15 Now, as the Chairman pointed out, this particu-
16 law statement which you read is not part of a regulation
17 or rule. It was simply part of a former statement of
18 policy by a commission.
19 CHAIRMAN JENSCH: Equally forceful and effec-
20 tive, would you not say?
21 MR. UPTON: Originally.
22 CHAIRMAN JENSCH: Because a commitment of a
23 regulatory agency can't be disregarded. You agree?
24 MR. UPTON: I agree with that, sir. What I am
25 suggesting is perhaps the Commission has superseded the

1 the statement of policy, even though it has not yet super-
2 seded the rules and regulations.
3 CHAIRMAN JENSCH: The problem I have is this:
4 I say this without discussion among the Board, but you
5 folks, of the Applicant, you have been working on this
6 case for how long? When did you first conceive Indian
7 Point 2?
8 MR. UPTON: About a year ago.
9 CHAIRMAN JENSCH: The staff has been in review
10 of this matter for many months. This Atomic Safety and
11 Licensing Board was appointed about 30 days ago.
12 Now I think it has been indicated that the report
13 of the Advisory Committee on Reactor Safeguard is not
14 a perfunctory document. It represents thorough and ser-
15 ious consideration, and the comments from which are en-
16 titled equal thought. I hope I don't reflect any bias or
17 prejudice when I say the following;
18 That certainly in my experience, one of the most
19 fundamental documents for consideration in a proceeding
20 of this kind is the safety analysis by the staff. It is
21 something we look forward to with, I don't say the great-
22 est among the documents of interest, but equal interest,
23 as the application itself. And for my thinking about it,
24 I just don't like to see an Atomic Safety and Licensing
25 Board rushed into a proceeding, when the documents which

are so fundamental to consideration are,without any criticism of delay, unfortunately not available. And I , until the Atomic Energy Commission has said specifically that adequate time may be within the intervals, as indicated in the statement of consideration of 1962, a general blanket wipe-out, or saying something has been superseded, doesn't necessarily shorten the period to ten minutes or ten days, or something like that.

Dr. Geyer and Dr. Hall, as I have indicated, neither has had any prior connection with this case until his appointment to the Board and being drawn from their regular duties to participate on this Board, more or less have had a combined job of appearing on their regular duties, as well as undertaking additional effort to review this case.

If adequate time does not permit our review of, say, the safety evaluation by the staff, the questions that could be raised at an evidentiary hearing will probably arise in the post-hearing considerations by the Board when it might be that evidence would be sought after the close of the hearing, which might make it more protracted than if the question were raised prior to the evidentiary hearing.

I interpret the statements of consideration by the Commission as a commitment to due process,stating

that this is the proper procedure that will be made available to a Board, so that time will permit adequate consideration of these fundamental documents.

I invite your further comments on those statements. Mr. Conner?

MR. CONNER: If the Board please, several things have been said, and I will try to remember them.

Certainly, there are two Commission statements of policy, that in 1962 and that in 1966 which remain a commitment to due process, and I think a clear distinction should be made between the Commission's statement of policy as to what it hopes can be done, as opposed to leaving in tact the right of each Atomic Safety and Licensing Board to do what it feels it must do in its own discretion.

But I do believe that the Commission intended that the 1962 policy decision be eliminated to the extent it was inconsistent with the new policy statement and in the notice itself. The Commission said: "The Commission expects that the provisions of the proposed statement of general policy, to the extent they are not inconsistent with the Commission's rules and regulations, will be useful as interim guidance, until such time as the Commission takes further action on them."

That is merely somewhat of an amplification of the sentence Mr. Upton noted, but, as a practical matter,

1 the pressures that exist in the world, to expedite these
2 hearings, and so forth, is a practical matter, eliminated
3 the old 20-day provision.
4 However, the staff is physically unable to com-
5 plete its safety evaluation, of course, until it gets the
6 ACRS letter, and, for this reason, there is nothing more
7 we can do. There is no way --
8 CHAIRMAN JENSCH: Don't misunderstand my state-
9 ment. I don't intend to reflect any criticism of the de-
10 lay of the staff safety analysis, nor likewise of any
11 delay by the Advisory Committee. I think each is entitled
12 to the time needed by each to make the preparation that
13 is necessary.
14 If the ACRS letter isn't here, there is certain-
15 ly no pounding on thetable here that it should be. They
16 have their function and we feel we have ours.
17 MR. CONNER: Certainly, sir, nor did we inter-
18 pret your remarks in any critical sense as to timing. We
19 have one thought, though, that might assist the Board. The
20 Board might wish to give some consideration to another
21 pre-hearing conference, say, the day before the hearing
22 itself, to identify, at the last possible moment, before
23 the hearing, any additional points you might wish to cover.
24 And, in that event, we could try to obtain any experts
25 that we might not have on tap to come to the hearing and

answer any questions you might have.

I think we should also recognize that it is normally the practice of Applicants to have almost all of their own experts present at the hearing, so, presumably, those people would be readily available, in any event.

CHAIRMAN JENSCH: Do you desire to make any additional statement, Mr. Upton?

MR. UPTON: Well, Mr. Chairman, of course I can't argue with the Board, or challenge the Board on its own judgment as to the time the Board requires in order for this proceeding -- that is something within the Board's discretion. It is not for me to argue with it about that, but I do hope the Board would keep in mind that there is a construction schedule, and that Autumn is coming and winter is coming, and, of course, there may be many things that will prevent the Board from approving the thing in substance --

CHAIRMAN JENSCH: Are you reading from the transcript of the Federal Power Transmission, when you said it is getting cold and it would be difficult to dig up the ground? Is there any digging going on now down at your site?

MR. UPTON: Yes. There is non-nuclear digging, so to speak.

CHAIRMAN JENSCH: Yes. I guess it is about as

1 hard down there now, as it would be in December. It is
2 all rock, anyway, isn't it?
3 MR. GEYER: It is the pouring of concrete in
4 the winter that is the difficult phase.
5 CHAIRMAN JENSCH: Is it your thought that two
6 weeks would throw your concrete schedule all apart or
7 something?
8 DR. GEYER: Any delay. Every day in important,
9 sir.
10 CHAIRMAN JENSCH: Is there anything else? The
11 State of New York, are they up on everything? Do you want
12 to see the Advisory Committee Report, before you go to
13 hearing, and the Staff Safety Analysis? Or doesn't it
14 make any difference?
15 MR. SCINTO: It makes a difference.
16 CHAIRMAN JENSCH: What do you recommend?
17 MR. SCINTO: We wish to see the Staff Safety
18 Analysis Report and the ACRS letter, before we go to hear-
19 ing on this question.
20 With even the pessimistic timing described by
21 Mr. Conner, we should be able to, with a great deal of
22 effort, which I have learned from the technical people
23 who will be participating and backing me up at the hear-
24 ing.
25 There will be a great deal of intensive effort

1 necessary to review these documents. We should be able
2 to review them, even on Mr. Conner's pessimistic time
3 schedule.
4 I believe, Mr. Chairman, that we would be allowed
5 to supplement whatever statements we submit in advance, by
6 virtue of anything which we come across in either of
7 these documents, which require some modification of pre-
8 viously submitted documents?
9 CHAIRMAN JENSCH: I am having great difficulty
10 finding anything that would tend to limit adequate time
11 for review of these two documents and with time periods
12 previously described, they are not specifically altered.
13 It might well be that was what the Commission thought
14 would be an adequate time for review and, apparently,
15 the expectation was that these documents would be available
16 earlier, and, in the normal course of events, probably
17 could have been adhered to, but some consideration must
18 be given to delay, which may warrant quite some review of
19 the documents when they are ultimately available.
20 Is there anything else that you gentlemen desire
21 to present in reference to this agenda or any other matter?
22 The Board might take a recess and give considera-
23 tion to these several matters. We will have an hour or
24 fifteen minutes, or so --
25 MR. UPTON: Might I make one further comment

about this disucssion? It seems to me there are three questions. The first question is as to whether the Commission is presently committed to this 1962 statement of policy. I think the answer to that question is no.

The second question is whether the parties will have a chance to prepare for the hearing, if the ACRS letter comes out on Thursday or Friday of this week, as anticipated. I think the answer to that question is yes, at least so far as the staff and Applicant are concered, in the light of the discussions with the ACRS. I think we know fairly well what is going to be in the ACRS letter.

But the third question, which is the question, as I have said before, I can't argue with the Board about it, is whether the Board can be prepared for the hearing on the 31st, if the ACRS letter and staff analysis get to them only four or five days before the hearing? That, of course, is something,as I said earlier, that the Board must decide.

DR. GEYER: It seems to me, Mr. Upton, that there is also a question of how long these should be available to the public, who might want to take an interest in this matter. Certainly there is some minimum time. I wouldn't know what this is.

MR. UPTON: Yes, sir, I appreciate that. All I want to say is to repeat what I said earlier. We

1 hope that the Board will go ahead with the hearing on the
2 31st for the reasons of construction schedule that have
3 been stated by Mr. Cahill.
4 CHAIRMAN JENSCH: Is there anything further?
5 MR. CONNER: If the Board please, only sort of
6 continuing the agenda, I neglected to mention our safety
7 analysis will, of course, include the usual reports from
8 the Government agencies with whom we consult, the U. S.
9 Geological Survey, Weather Bureau, Coast and Geodetic
10 Survey, and Fish and Wildlife Group, as well as a report
11 from Dr. Nathan Newmark, on the seismic design point.
12 The only point I might mention is the Fish and
13 Wildlife letter. We have responded to it, pointing out
14 again why we can't integrate non-radiological aspects
15 in a proceeding before the Atomic Energy Commission, and
16 that, too, will be added in this instance.
17 CHAIRMAN JENSCH: Is there any thought that the
18 ACRS letter would not only require, but warrant, the staff
19 in general considering, with its consultants, the matters
20 set forth in the ACRS letter?
21 MR. CONNER: No, sir.
22 CHAIRMAN JENSCH: Before we recess and give con-
23 sideration to these matters, I suppose a few years ago, if
24 the question of zirconium had been suggested for use in
25 connection with the reactor and you had zircaloy water

1 problems, it alerted the staff and participants to some
2 sort of further presentation.
3 There is a word in this presentation by the
4 Applicant that kind of gives me the same consideration,
5 and I wonder if I might just tender a thought now for your
6 consideration.
7 In the application, I believe there is a report
8 by a consultant, Page, and in there he shows a description
9 of the Hudson River, and there is a fault -- an earthquake
10 fault, lifted in the center of the Hudson River. Just as
11 zircaloy alerted some people years ago, maybe faults
12 alerted people today, and I wonder if it is within the
13 range of contemplation or possibility to have some elucida-
14 tion about the intimation of a fault.
15 I wasn interested in the statement by staff
16 counsel that Dr. Newmark was going to have a presentation
17 of seismic design that may well cover the entire problem,
18 but it makes people jumpy to see the word "fault." It is
19 something that does give consideration, like zirconium
20 might have done it a few years ago.
21 MR. CONNER: If I may make a humorous reference,
22 noting your participation in a recent California proceed-
23 ing, the geology in the Hudson River Valley is subjectly
24 different from that in Southern California.
25 CHAIRMAN JENSCH: Except they are suing figures

of lesser magnitude, which, perhaps, gives greater concern.

In California, they were going 180,000 to 250,000 years, since the time of last movement, and 10,000 years is the one listed for the Consolidated Edison Report. So the time from the last movement is shorter in the New York case than in the California case, which is kind of --

MR. HALL: Does it imply it has longer yet to run?

(Laughter.)

CHAIRMAN HENSCH: I will leave that for some seismologist.

The difference between a seismologist and a geologist is something that may be explained here. Everybody seems to have a different view. I just mentioned that.

If there is nothing further, at this time, let's recess to reconvene in this room at 11:45.

(Recess.)

End #3

CHAIRMAN JENSCH: Please come to order.

The Board has been in recess giving consideration to these several matters and it is the belief of the Board that more time should be available to it for a review of these documents than the present schedule would provide.

It would be hopeful that the views of Commission staff counsel will find reality as to dates when these documents can be submitted, but we will not hold it to a commitment, but upon the expectation that its indication will develop, we will rely thereupon.

It might be mentioned before going further now that the Commission also designated a technical alternate member, Dr. Thomas Pigford of the University of California. Travel plans for him in this airplane strike didn't permit him to be here for this hearing. He might have made it by noon today, but that looked like the earliest time he could make it. We are mindful of his absence in that regard.

Also there is a suggestion by staff counsel that an opportunity might be made available for the technical members of the Board as designated as the regular technical members as well as to the alternate technical member to have another conference just the day prior to the evidentiary hearing rather than having any further gap in meetings. And therefore it is the view of the Board that such an opportunity could be available if September 13, on Tuesday, were selected

for the further conference in case the technical members have questions that they would like to present to the parties for such presentation, further presentation as they may desire to make a response to the inquiry by the technical members of the Board, and that the evidentiary hearing would begin on September 14 and continue the rest of the week, through Saturday, if necessary.

We believe that these matters are of such import that it would be unseemly haste to be deprived of these documents which are important to our consideration, and rather than have questions arise after a hearing, in some instances I think Boards have directed inquires to the parties after a hearing, can you supplement it further and the parties shall have five days to answer that submittal and your using up three or four weeks before you get finished.

Therefore a public order will be issued in conformance with this statement now made, but this public record as announced shall likewise be part of the public notice of this hearing and all persons intending to participate in this proceeding shall be guided by the announcements we are now making as well as the formal order which will be entered confirming it.

Will those dates be convenient to the parties? The applicant?

MR. UPTON: Yes, sir. Those dates or any date

earlier than that would be convenient to the applicant.

CHAIRMAN JENSCH: State of New York?

MR. SCINTO: Those would be convenient dates, your Honor.

CHAIRMAN JENSCH: Regulatory staff?

MR. CONNER: Yes, sir.

CHAIRMAN JENSCH: Is there any other matter that we could consider at this prehearing conference?

MR. UPTON: Mr. Chairman, may I ask a question? The time of the second prehearing conference on the 13th, will it be at 10:00 a.m.?

CHAIRMAN JENSCH: Yes. I should have added that, and likewise the evidentiary hearing will convene at 10:00 a.m. It may mean if the first day of the evidentiary hearing doesn't move along as we would all hope we could extend the hours a bit and maybe the second day can meet at 9:30. I think experience shows if you push the hours a little too far you lose a certain degree of efficiency.

Will that be convenient to the parties?

MR. UPTON: Yes, sir.

MR. SCINTO: Yes, sir.

MR. CONNER: Yes, sir.

CHAIRMAN JENSCH: I had a couple of items that maybe you would like the consider, the applicant might like to consider for our further discussion at a further conference.

1 The meteorological data I noticed were largely
2 further presentations of that data which had been submitted
3 for Indian Point 1, and although I think you have summary
4 statements by some meteorologists since that time, I don't
5 think there is much data on what has been going on at Indian
6 Point 1 by way of measurements which may or may not affect
7 at all your earlier conclusion, but I just wondered whether
8 you wanted to bring that data up to date.
9 You don't have to answer it now.
10 MR. UPTON: We will take a look at it, Mr. Chairman.
11 CHAIRMAN JENSCH: It just seemed to me that that
12 data were largely confined to Indian Point 1 and then I
13 think you have some summary statements that say that you
14 adhere to the same conclusions or some such. I don't know
15 whether there is any further data that would be helpful or
16 not.
17 There is another item. In Indian Point 1, it is
18 my understanding that there is a letter of April 19, 1966,
19 that refers to some transaction about January 25 at Indian
20 Point 1 and the letter of April 1966 indicated some difficulty
21 in making computation of the level of radiation involved. It
22 wasn't any great amount if I understand it. Under any circum-
23 stances it was below the guidelines of Part 20, but the thing
24 that gave me concern was that the application in this letter
25 said it didn't understand the regulation and they didn't know

how to make the computation so they were suggestion a revision.

There was no response by the Commission to the inquiry, and I thought it difficult to see how well a program can be carried out if the regulation itself is not clear to the parties, and perhaps that might be expanded, and what should be done about it.

Maybe this is a part of the recommendation we should submit to the Commission in connection with this matter, if you can't perform because of lack of clarity to a regulation.

What is the difficulty? What should be done about it?

I just mentioned that for some consideration you may desire to give to it.

The regulatory program is somewhat ineffective if the regulations are not clear.

A problem that also bothered me in meteorology is the references or the computations made by the dispersive qualities of the atmosphere. What confusion there is. And I wondered are any of those calculations affected at all by the purity of the air in the atmosphere. How do you figure this? I think the factor is generally a thousand.

You also have a thousand figure dispersive quality in the air which helps the release of the gasses. How do you arrive at that factor?

For instance we hear a lot about smogs and if the

umbrella in the atmosphere is down low, is there as much dispersive quality in the atmosphere as it would be if the umbrella is higher or if the air is pure? How do you measure whether the air is pure?

I realize for normal operations you ascertain the meteorologic conditions before you permit the readings, but this is related to the kind of operation or kind of activity that would be undertaken in case those conditions do not prevail, and I merely raise the question, could you give us some data in that regard.

To me at least it would be helpful in understanding the meteorology to have some of those factors.

MR. UPTON: We will do that.

CHAIRMAN JENSCH: Thank you.

As I say, some of these -- I don't say jumpy phrases, but there is a statement in the submittal by the applicant to this effect. It is on page 6 of I think Section 1.7 of the application to this effect: "There are no geologic faults of magnitude extending through the site or close to it." It is that old word, magnitude.

Are the faults insigificant, immaterial? What measures the magnitude? Are there faults that are something that aren't of magnitude but still are problems? I don't know.

There is also reference to the fact that in this Page geologic report it says in the quarry north of Vermanti

along the southern face of the quarry the formed beds may be seen accompanied by small faults. How long is a small fault, and how long is a large immediate?

There is also a statement, "The fact that there are now intensely jointed rocks show that any such stresses that may have been in the area have been dissipated. Additional stresses can't accumulate in a rock formation as jointed as this one."

What is the supporting data for that conclusion? It seems quite persuasive. I guess one wonders whether the supporting data would be more of an assurance.

There is another statement in there. "In my opinion no unrelieved stresses exist in this rock formation which might offer a hazard. The possibility of damage from earthquakes is very remote."

Is it remote enough to be disregarded?

Those are just phrases that seemed to fit in a previous pattern of thinking that might warrant a little further supplementation and confirmation. They are not in isplute of the statement at all.

As I recall the application, you are planning to use boric acid poison as part of the shutdown equipment. Will the absorbing material depend on the fuel elements in any respect? Do you know? So that they would be later removed rapidly as the result of the changes in the acidity or any

of the characteristics of the coolant? I don't know the answer to that and I would appreciate any data that could be conveniently supplied in that regard.

That is the extent of my inquiry at the moment, at least from some of this preliminary review of the application.

Does anybody desire to speak further on these or other related matters?

MR. UPTON: Mr. Chairman, I have only one question or comment. That is about the time when the applicant is to distribute its testimony.

CHAIRMAN JENSCH: Yes, that was a part of your agenda and I wondered if you intended to try to fix a time for that.

MR. UPTON: Well, I see no reason why, if the ACRS letter comes out as anticipated, that we would not be able to distribute our testimony the Friday before Labor Day. Let's see, when is that? September 2, which is approximately ten or eleven days before the hearing. Now, we could probably do it sooner if the Board wished.

DR. HALL: You would hope to have it in the mail by that day?

MR. UPTON: Yes. No later than that. We can probably get it out earlier.

CHAIRMAN JENSCH: That means Tuesday the 6th is the best for Dr. Hall.

MR. UPTON: We can get it out on the 31st without any difficulty. I am sure we can make it by the 31st without difficulty.

CHAIRMAN JENSCH: The staff report I assume will constitute in effect the evidence by the staff and witnesses will be available in support thereof; is that correct?

MR. CONNER: Yes, sir.

CHAIRMAN JENSCH: You will not have any prepared questions and answers submittal in the form as an applicant generally does.

MR. CONNER: No, sir.

If this is an appropriate time, sir, I want to bring up the point about Mr. Lovejoy's testimony. I would like to request that Mr. Lovejoy's testimony be accepted as if read with him present, and if it is of course stipulated to by the parties and the Board, that cross-examination be waived inasmuch as his testimony is quite straightforward, and this has been followed in past cases.

If, of course, anyone had any questions of Mr. Lovejoy, we would withdraw our request, but it eliminates the need to bring along a witness and tie him up during a hearing if indeed nobody had questions of the financial witness before the staff.

CHAIRMAN JENSCH: Without committing the Board to this, let me ask you as a procedural matter, would this be a

1 feasible procedure, accepting your statement as a guideline
2 for the case, and if by the conference prior to the evidentiary
3 hearing, i.e., on September 13, there was no request made for
4 the presence of Mr. Lovejoy, the final determination could
5 be made at that time, and if, however, he were to be called
6 by any party, arrangements would be made for his presentation
7 at the conclusion of the other evidence so his schedule could
8 be adjusted to permit -- would that be all right?
9 MR. CONNER: Fine. That let's him stay in Washington
10 and work, and we can get him up if anyone needs him.
11 CHAIRMAN JENSCH: Is that agreeable?
12 MR. UPTON: Yes, sir.
13 MR. SCINTO: Yes, sir.
14 CHAIRMAN JENSCH: Staff counsel indicated some of
15 the recent cases the parties have had an opportunity to
16 review Mr. Lovejoy's presentation prior to the hearing and
17 have stipulated that it may be accepted as if read, and if
18 possible let us try to proceed in that respect without
19 limitation to freedom to move that arrangement if it is
20 desired the witness Lovejoy be interrogated.
21 Does anybody want to go forward with transcript
22 corrections at this time or any other matters, or shall we
23 adjust it at the conclusion of the hearing? Is that agreeable?
24 MR. UPTON: Yes, sir.
25 MR. SCINTO: Yes.

MR. CONNER: The applicant has indicated in its agenda, of course we agree on the deferring transcript corrections, but on the motion for expediting effectiveness we are prepared to have a talk with the applicant as to the nature of their request. We are prepared to state we will not object to such a motion when it is filed, and I might also add we are giving consideration to the possibility of a submittal of joint proposed findings if the case does not develop into contested areas or other parties participating.

CHAIRMAN JENSCH: No commitment will be made by the Board in that regard at this time, so the Board will have an opportunity to review the record and make its determination and conclusions based on the evidence.

If no one desires to speak further, and hearing no such request, the continuance in effect of this type of conference, whether it is called prehearing conference or not, but a further conference will be held on September 13, and the evidentiary hearing will convene September 14, both to begin at 10:00 a.m. on those respective dates.

There being no further --

MR. CONNER: If the Board please, I feel I might mention or raise a question as to whether or not it will be in the same location. I don't know whether the Board had an opportunity to confirm the availability of the spot, and I thought --

CHAIRMAN JENSCH: Do the parties so desire to express themselves to that subject? The space here seems quite ample.

It should be noted on the record that I am sure the Atomic Energy Commission would want me to express our thanks to the Village of Buchanan and the Fire Department for the use of this facility. It is an imposition on them. We would be hopeful we could utilize this again.

Do you find this space large enough to accommodate your witnesses, the number you have in mind, Mr. Upton?

MR. UPTON: Yes, sir, we do, and I understand the space will be available on the 13, 14, and so on.

CHAIRMAN JENSCH: Number of witnesses the State of New York plan to call, can they be accommodated in this space?

MR. SCINTO: There seems to be sufficient space to accommodate them.

CHAIRMAN JENSCH: And the staff?

MR. CONNER: Yes.

CHAIRMAN JENSCH: Anybody have any objection to the use of this space? Hearing no such objection it has been our understanding likewise that this space could be available, and upon that assumption the conference and the evidentiary hearing on the dates designated will convene in this space on those dates at those times.

There being nothing further, this prehearing

conference is now adjourned.

(Whereupon, at 12:30 p.m., the prehearing conference was adjourned.)

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