



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL  
WASHINGTON, D.C. 20555

July 10, 1986

Chairman Lando W. Zech, Jr.  
Commissioner Thomas M. Roberts  
Commissioner James K. Asselstine  
Commissioner Frederick M. Bernthal

Dear Mr. Chairman and Commissioners:

This letter is a response to the July 3, 1986 letter to you from Brent L. Brandenburg, Esq., Assistant General Counsel for Consolidated Edison Company of New York, Inc., (Con Ed) owner and operator of Indian Point Unit No. 2. No stranger to us because he represented Con Ed in the Indian Point Special Proceeding, Mr. Brandenburg characterized our June 9, 1986 letter to you as containing "erroneous, inaccurate and out-of-date information" regarding the Indian Point Alert and Notification System (ANS). As a result of his letter, we acknowledge that the information in our letter was out-of-date, but it was neither erroneous nor inaccurate. Furthermore, the fact that it was out-of-date is attributable to the failure of the Staff and/or the Licensees to inform the Board about NUREG/CR-2655 during the Indian Point hearing.

Mr. Brandenburg is simply wrong when he states that we erred in our June 9 letter by stating that NUREG/CR-2655 predicted that on a winter night with snow the sirens at Indian Point would alert only 53% of the residents in the EPZ. In point of fact, the 53% prediction does indeed occur at p. 4-2 in NUREG/CR-2655 (cited in Brandenburg's letter) as an estimate of alertability in rural areas (as opposed to urban areas) on a winter night during a snowfall at Indian Point. That prediction of 53% alerting was used by us because (1) it was the value for Indian Point selected by the Shearon Harris Board in their May 16, 1986 letter to you, and (2) it represented a worst-case situation. With urban areas included, the prediction jumps to only 57% under the same meteorological conditions. Categorizing any of the densely populated Westchester County, New York, suburbs as rural perhaps stretches the meaning of the word, but that choice was made by the authors of NUREG/CR-2655, not by us.

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Mr. Brandenburg seems to imply that that the Staff had no obligation to provide the Board with a copy of NUREG/CR-2655 when it was published in September 1982, because the Board had suspended filing dates and discovery on August 9, 1982 and did not order the hearing resumed until January 10, 1983. Board Notifications under the then existing policy, and under current policy as well, are not governed by procedural rules issued by licensing boards, as Mr. Brandenburg should know.

Mr. Brandenburg also argues that the Staff had no obligation to provide the Board with a copy of NUREG/CR-2655 because it was a "publicly available document". That position is, of course, untenable. The Staff routinely serves Boards and the parties to a proceeding with copies of public NRC documents which are relevant to issues at bar in the proceeding.

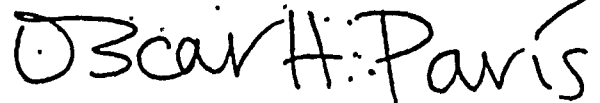
On the positive side, the information contained in Mr. Brandenburg's letter about the Indian Point ANS, which was upgraded following the analysis reported in NUREG/CR-2655 and now has 151 sirens (as opposed to the initial 88 in existence at the time of the NUREG/CR-2655 study), assuages the major concern we had about the adequacy of the siren system at Indian Point. The telephone survey by Con Ed following the March 1983 exercise showed that 87% of EPZ residents were alerted by sirens and 5% were alerted by television or radio, to give a total of 92% direct alerting. Again applying the Shearon Harris Board's method of accounting for informal alerting, one obtains an estimate of somewhat more than 95% alerting, which meets the more-than-95% criterion adopted by the Shearon Harris Board.

We were not told, however, whether the March 1983 test was conducted at night or during the day. Hopefully Con Ed will conduct another test, followed by a telephone survey, on a winter night during a snowstorm. If such a test and survey should confirm Mr. Brandenburg's theories about winter alertability, it could put NUREG/CR-2655 permanently to rest. It appears, however, that he may have failed to take into account the attenuation of sound by closed windows and storm windows, which would be expected during a winter snowstorm but probably not expected during a test in March.

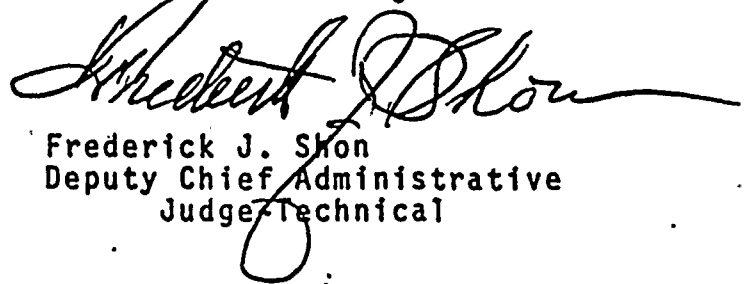
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Finally, while we no longer have a major concern about the adequacy of the Indian Point siren system, we remain concerned by the fact that the Staff never notified us about NUREG/CR-2655. Had the Staff and/or the Licensees been forthcoming about that study, and had they advised us that the siren system was being upgraded, presumably because of the NUREG/CR-2655 analysis, we would never have been motivated to write our June 9 letter to you concerning this matter.

Respectfully submitted,



Dr. Oscar H. Paris  
Administrative Judge-Technical



Frederick J. Shon  
Deputy Chief Administrative  
Judge-Technical

cc: B. Paul Cotter, Jr.  
W. C. Parler, General Counsel  
S. Chilk, Secretary  
Indian Point Service List