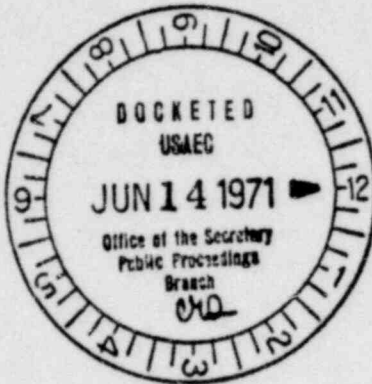


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June 10, 1971

CABLE ADDRESS

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TELEX NUMBER

25-3565

Arthur W. Murphy, Esq., Chairman
Atomic Safety and Licensing Board
Columbia University School of Law
Box 38, 435 West 116th Street
New York, New York 10027

Re: AEC Docket Nos. 50-329 and 50-330

Dear Mr. Chairman:

This document will serve both as a beginning statement of the topics as to which Intervenor will cross-examine, as well as a statement of the underlying and more specific problem areas thereon which Intervenor were to file on or before June 18. Intervenor are filing this document in advance in an effort to give the Regulatory Staff and Applicant, as well as the Board, as much notice as possible.

We have considered carefully Dr. Goodman's suggestion that as the hearing considers a particular topic, Applicant's witnesses and Regulatory Staff witnesses be cross-examined one after the other. We believe this is a sound suggestion, and accordingly, request that such procedure be followed.

Below are set forth the areas which we will cover in our cross-examination. These areas are listed in the order of our choice, beginning immediately upon the close of Applicant's and the Regulatory Staff's direct case.

1. Since the suitability of the proposed site for the proposed Midland Units under Part 100, as well as the guideline TID 14844, is a critical starting point, Intervenor will begin cross-examination of the analysis underlying the proposed site in light of the aforesaid regulations. This cross-examination will attempt to ascertain from the Applicant precisely what credit or reliance is placed upon each specific safeguard system, and whether or not the factors underlying Part 100 and TID 14844 have been followed, and if not, whether, pursuant to

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Section 100.1, the Applicant can demonstrate the applicability and significance of such other factors. We would also expect appropriate witnesses from the Regulatory Staff to be able to testify as to its conclusions and opinions in this area with respect to its Safety Evaluation of the site. In connection with examination of the Regulatory Staff witnesses, we would expect such witnesses to be able to testify concerning the credits permitted by the Regulatory Staff, if any, with respect to its analysis of the Applicant's assertion that it has complied with Part 100 and TID 14844, or has justified the applicability of a deviation from such guidelines.

In analyzing the underlying basis for site selection by Applicant and its apparent approval by the Regulatory Staff, we would hope to determine which safeguard systems are being relied upon to justify the siting of a reactor so close to a population center. The obtaining of this information is important to determine further areas of inquiry. Accordingly, this analysis is necessary to determine whether or not the conclusion of reasonable assurance of no undue risk is legally and factually supportable.

We would expect that given appropriate witnesses, the cross-examination in this area would last from one to three days.

2. The next area of cross-examination will be directed to having the Applicant and the Regulatory Staff give a sequential statement and analysis of the Design Basis Accident. Intervenor will attempt to demonstrate during this cross-examination that Applicant and Regulatory Staff have not analyzed reasonably the safety implications of the failure of a specific system or systems at various specific times during the total time history of the Design Basis Accident. This phase of the cross-examination will not necessarily touch upon the integrity of a given safeguard system, but will seek out the safety implications if such a safeguard system fails at any specific point. Intervenor would anticipate that this examination, as well as No. 1 above, would aid the Board in focusing carefully upon which specific systems should be analyzed more thoroughly to determine that system's contribution, if any, to an overall conclusion of reasonable assurance of no undue risk.

We would expect that this phase of the cross-examination would last from two to five days.

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3. The next area of cross-examination will concern the integrity of specific systems. There obviously will be certain systems which become more relevant and important as a result of the examination contemplated in Nos. 1 and 2 above. However, in addition to any such systems, Intervenor will question and examine the integrity of the following systems in the following order in an effort to demonstrate that they do not adequately contribute to a conclusion of reasonable assurance of no undue risk:

A. The Emergency Core Cooling System. Intervenor intend to question the integrity, analysis and assumption underlying Applicant's Emergency Core Cooling System, the Idaho Semi-Scale Tests notwithstanding. Intervenor request that witnesses from Applicant and the Regulatory Staff be available to explain not only how the system is intended to work, but also be able to explain in detail the assumptions inherent in the computer codes used in the analysis. Intervenor will also inquire into what experimental evidence is available to support the assumptions and conclusions reached. Intervenor will later be in a position to identify what specific experiments they are most interested in after the experiments have been identified through cross-examination. If appropriate at this point in the examination, Intervenor would intend to analyze the effect of the Idaho tests upon the Applicant's conclusions, but Intervenor are amenable to defer that portion of the examination subsequent to the Regulatory Staff producing for inspection and review the information underlying the Idaho Semi-Scale Tests;

B. The Iodine Spray Removal System. Intervenor, in addition to analyzing the overall integrity of this system, will inquire into the effectiveness of the reagent intended to be used in the system, both from a standpoint of its reliability in removing iodine, and its adverse influence, if any, upon the components and materials in the reactor building. In addition, Intervenor will inquire into the scientific justification for the assumption of 50% plateout, and in connection with this assumption, Intervenor will examine whether it is supportable in light of the intended operation of the spray removal system.

C. The Emergency Power System and its Reliability. Intervenor intend to examine into whether the Emergency Power System can or will perform. As a starting point, Intervenor will attempt to determine what differences have or will be built into the Emergency Power System to prevent circumstances of non-performance which have been observed in other power reactors such as, for example, the Connecticut-Yankee reactor; and

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D. All other safeguard systems which are demonstrated to be significant or important to the siting of the plant or the analysis of the Design Basis Accident. Intervenor will identify such other systems well in advance of their consideration at the hearing.

Intervenor believe that the cross-examination contemplated by Parts A, B and C of this Paragraph will last a minimum of ten hearing days.

4. The next area of cross-examination, to the extent that it has not overlapped with any of the Paragraphs above, will be an inquiry into those safeguard systems which have not yet been designed by Applicant or analyzed by the Regulatory Staff, but which are asserted to be resolvable during the period of construction. Intervenor, after ascertaining the nature and extent of such safeguard systems and their related research programs, will attempt to demonstrate that certain safeguard systems not yet designed contain problems which cannot be resolved given the current state of the art, and accordingly, require the denial of a construction permit.

* * *

Intervenor fully believe that this submission serves the purpose of both identifying the topics and the problem areas for the beginning days of the hearing. This list is by no means intended to be exhaustive and Intervenor will, from time to time and substantially in advance of their consideration, delineate such further areas as they will be covered in the hearing. Obviously, some of the areas later to be considered will include the two kinds of synergistic effects which could occur as a result of siting the proposed Units next to a chemical-industrial complex.

The Board should be mindful that a substantial portion of the Intervenor's case will be to probe and demonstrate that sufficient uncertainty exists in Applicant's presentation so that it cannot be assumed that the proposed Units as a total engineered system satisfies and supports a finding of reasonable assurance of no undue risk.

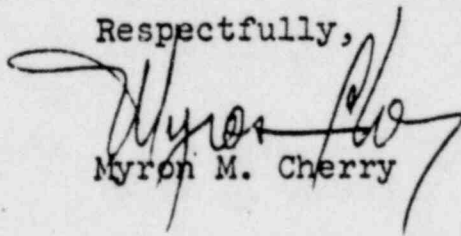
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Although Applicant, and at times the Board, have indicated that a pre-condition to cross-examination is a demonstration that something is wrong in Applicant's analysis, Intervenor do not believe that as the hearing commences, the Board will find such a formula appropriate, let alone legally sound. The first order of business is to demonstrate whether Applicant has carried its burden of proof and this obviously involves an analysis of the assumptions underlying its presentation. In addition, the adequacy of the Regulatory Staff review and the substance of the ACRS report are significant to determine whether the intent of the regulatory scheme embodied in the Atomic Energy Act has been complied with substantially.

Since Intervenor will be residing in Midland during the course of the hearing, they request beginning now that a copy of all papers served by anyone upon Intervenor, in addition to being served at Intervenor's counsel's office, also be served upon Mary Sinclair at 5711 Summerset Street, Midland, Michigan, 48640, and upon David Comey at 109 North Dearborn Street, Suite 1001, Chicago, Illinois, 60602.

Sometime during the week of June 14, 1971, Intervenor will be filing a document which lists all of the technical material which Intervenor have used in their preparation and which may form the basis for Intervenor's documentary evidence.

Respectfully,



Myron M. Cherry

MMC/cam

cc: Dr. David B. Hall
Dr. Clark Goodman
Mr. Stanley T. Robinson, Jr.
All Counsel of Record