

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Administrative Judges:

James Gleason, Chairman
Dr. Oscar H. Paris
Frederick J. Shon

'83 JAN 20 A10:47

In the Matter of

CONSOLIDATED EDISON COMPANY OF NEW YORK
(Indian Point, Unit 2)

Docket Nos. 50-247-SP
50-236-SP

POWER AUTHORITY OF THE STATE OF NEW YORK
(Indian Point, Unit 3)

January 18, 1983

WEST BRANCH CONSERVATION ASSOCIATION'S
MOTION TO STRIKE THE PROFFERED TESTIMONY
OF WITNESS DENNIS C. BLEY ON CONTENTION 2.2a

The assessment of improvements to the containment drainage systems was removed from review in these cases by November 15 Order, page 13, of the Atomic Safety and Licensing Board when it deleted WBCA's contention 2.2(d). Therefore WBCA has had no opportunity to discuss the improvements in sumps, controls, etc. listed in the Director's Order of February 11, 1980; and the flood at Indian Point Unit #2 in October 1980; or to present other failure modes that have not been considered.

Under contention 2.2(a) the question is whether brackish water, because of its corrosive properties, should or should not be used inside containment.

for West Branch Conservation Association
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Zipporah S. Fleisher
by Zipporah S. Fleisher
Secretary

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The proffered testimony simply discusses the probability issue regarding the improvements.

WBCA made exactly this distinction when it asked for 2.2(d) and was told it would not serve a useful purpose to enter into the broad subject of quality control and inspection procedures.

2.2(a) concerns itself with corrosion and the quality of Hudson River water not with the probability of several types of flooding.

Because witness Bley's testimony as proffered is not to the subject of 2.2(a) as defined by the ASLB, WBCA moves that it not be admitted.

(Although Licensee's testimony was due in hand on January 12 for 2.2(a) WBCA did not receive it from ConEd until January 14, Bley, we read it on the 15th, a Saturday, and submit this paper the first working day thereafter, the 17th.)