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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
James P. Gleason, Chairman
Frederick J. Shon
Dr. Oscar H. Paris

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY OF)	Docket Nos.
NEW YORK, INC.)	50-247 SP
(Indian Point, Unit No. 2))	50-286 SP
)	
POWER AUTHORITY OF THE STATE OF)	
NEW YORK)	February 9, 1983
(Indian Point, Unit No. 3))	
)	

LICENSEES' OPPOSITION TO UCS/NYPIRG MOTION TO STRIKE
TESTIMONY OF BERNARD COHEN

Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York (licensees) oppose UCS/NYPIRG's motion dated February 7, 1983, which seeks to strike the testimony of Bernard Cohen in this proceeding. Dr. Cohen's testimony constitutes an extremely valuable contribution to the issues raised by Commission Question 1 in this proceeding, the magnitude of the risk presented by the operation of the Indian Point facilities, and whether steps should be taken to further reduce that risk.

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Because the Commission has mandated the use of probabilistic risk assessment in examining the questions it has posed, the Indian Point Probabilistic Safety Study (IPPSS) and the licensees' testimony have utilized that tool to present the quantification of risk expressed in numerical terms. While this responds to Commission Question 1 in an absolute sense, a full appreciation of what is meant by numbers such as 10^{-8} and 10^{-6} is greatly assisted by placing such numerical point estimates in perspective against other risks -- quantitatively expressed -- to which persons in the vicinity of Indian Point are subjected in everyday life, and with which they are more familiar. The risk of Indian Point cannot be assessed in a vacuum. Only when a frame of reference such as that offered by the Cohen testimony is available can a sound judgment be made regarding the true magnitude of the risk associated with operation of the Indian Point facilities, and whether further efforts to reduce that risk would be cost-effective compared to other competing opportunities to reduce societal risk.

UCS/NYPIRG's own motion acknowledges that the Cohen testimony quantifies the effectiveness of adding a filtered vent to the base case risk of Indian Point, the base case risk being clearly an appropriate Question 1 topic. Although the UCS/NYPIRG motion denigrates the Cohen testimony as setting forth subjective assessments of nuclear risk (Motion at 2), in fact the nuclear risk assessments contained in the Cohen testimony derive from UCS quantifications, WASH-1400, or IPPSS. Assertions of subjectivity can be probed on cross-examination. Beyond the unfounded allegation

that the Cohen testimony is subjective, licensees glean no basis for the UCS/NYPIRG motion from its papers in support.

WHEREFORE, licensees request that the UCS/NYPIRG motion to strike the testimony of Dr. Cohen be denied.

Respectively submitted,

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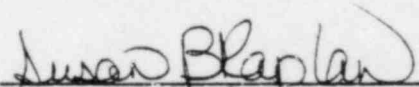
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Dated: February 9, 1983

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of February 1983, I caused the foregoing opposition to be served upon the parties to this proceeding listed on the Official Service List.



Susan B. Kaplan