

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

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

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In the Matter of)	
CONSOLIDATED EDISON COMPANY)	Docket No. 50-247-SP
OF NEW YORK)	50-286-SP
(Indian Point, Unit No. 2))	
POWER AUTHORITY OF THE STATE)	
OF NEW YORK)	October 1, 1982
(Indian Point, Unit No. 3))	

MEMORANDUM AND ORDER
(Restating contentions and establishing
procedures based on Commission guidance)

I. Background

The Commission, by Memorandum and Order dated July 27, 1982, has provided this Board with guidance "on admissibility of issues, applicability of 10 C.F.R. § 2.758, and treatment of probability and consequences in testimony," and has directed "the Board to reformulate the contentions in accordance with this guidance." (CLI-82-15). In a Memorandum and Certification dated August 9, 1982, the Board sought further guidance from the Commission with respect to: (1) the treatment of probability and consequence in testimony; and (2) to our handling of contentions under Commission Questions 3 and 4, in

view of the fact that the NRC Staff has started the "120-day clock" pursuant to 10 C.F.R. § 50.54(s)(2)(ii) as a result of the finding by the Federal Emergency Management Agency (FEMA) of significant deficiencies in the Indian Point emergency plan. The Commission responded to our certification in an Order dated September 17, 1982 (CLI-82-25).

In this Memorandum and Order, we set forth the decisions we have reached in complying with the Commission's instructions.

II. The Commission's Directions

A. Admissibility of Issues

In addressing the "admissibility of issues" the Commission directed the Board to do the following:

- (1) "assure itself that proffered contentions included a statement of bases and that both the contentions and bases were stated with reasonable specificity";
- (2) "further screen out those contentions which while complying with § 2.714, did not seem likely to be important in answering our questions";
- (3) "make a threshold finding for each . . . contention [under Commission Question 2] whether
 - (a) there exists a significant risk to public health and safety, notwithstanding the Director's measures, and
 - (b) the additional proposed measures would result in a significant reduction in that risk."

The Commission again emphasized "the stated purpose of the proceeding, i.e., the extent to which nearby population affects the risk posed by Indian Point as compared to the spectrum of risks posed by other nuclear power plants." We are to screen out those

issues which, in our judgment, will not contribute materially to the resolution of the Commission questions in light of this purpose.

B. Applicability of 10 C.F.R. § 2.758

In discussing the "applicability of 10 C.F.R. § 2.758", the Commission indicated how Section 2.758 applied to each of the questions raised in its orders of January 8, 1981, and September 18, 1981. The extent to which contentions under each question may challenge the regulations is as follows:

- Question 1. Risk analyses may include elements not required by or addressed in NRC regulations.
- Question 2. Contentions may argue for safety measures in addition to those presently required under the regulations, provided the contentions meet the "two-pronged test" described under (3)(a) & (b) above.
- Question 3. The Commission did not contemplate that contentions under this question could challenge the regulations. With regard to the size of the plume exposure pathway EPZ, however, the Commission noted that "the exact size and configuration can be affected by local conditions."
- Question 4. Contentions may argue that additional emergency planning measures, not required by NRC or FEMA, should be required for Indian Point as prudent risk-reduction measures in light of the risk posed by Indian Point as opposed to the spectrum of risks posed by other nuclear plants. However, parties must provide a sound basis for such contentions.
- Question 5. Contentions may not challenge the regulations.
- Question 6. Contentions may not challenge the regulations.
- Question 7. This question does not relate to contentions.

C. Testimony on Accident Probability and Consequences

In response to our certified questions concerning the Commission's intention with respect to the presentation of testimony on accident risks, the Commission said in its September 17, 1982, order that it did not intend for each witness to be required to present testimony on both probability and consequences. Rather, each party or group of parties consolidated by the Board pursuant to 10 C.F.R. § 2.715a which offers testimony not yet heard on accident consequences must also offer a discussion of the probability of the accidents leading to the alleged consequences. Some discussion of that probability must be presented in a party's (or group of parties') direct testimony. It may be based on calculations performed by the party itself or on information developed by another party, including the NRC Staff or the Licensees, which may be obtained through discovery. A party's discussion on probability may be elaborated upon later and offered as rebuttal testimony, if appropriate, after the party has obtained more information through direct testimony and cross-examination. Finally, we shall expect all parties to address accident probability in proposed findings. The Board will weigh risk evidence in accordance with the Commission's instructions given in the July 27, 1982, order.

With regard to the consolidation of parties for the purpose of presentation of testimony on accident probability, we hereby rule that those parties which we referred to as "contributing intervenors" in our April 23, 1982, order are consolidated with the

"lead intervenor" with respect to the issue(s) to which they were assigned in that order, except as herein amended.^{1/}

^{1/} This ruling is consistent with our description of the role to be played by lead and contributing intervenors in our April 2, 1982, Memorandum and Order. There we stated as follows:

It will be the responsibility of the lead Intervenor to prepare filings, present witnesses, introduce documentary evidence, conduct cross-examination, and submit findings of fact with respect to the contention or contentions assigned to it. Contributing Intervenor shall assist the lead Intervenor by supplying evidence, suggesting questions and plans for cross-examination, contributing to the findings of fact, and providing any other assistance and cooperation that will aid the lead Intervenor in contributing to the development of a complete record in this case.

The Power Authority, in a submission filed on September 1, 1982, entitled "Power Authority's Comments Regarding the Commission's July 27, 1982 Order to Reformulate Contentions", argued that lead and contributing Intervenor's "each must present witnesses who address both the probabilities and consequences of releases at Indian Point. Because these Intervenor's were not consolidated the co-sponsorship of witnesses does not satisfy the Commission's directive." (footnote omitted). This argument is based on the frivolous assertion that because the Board did not earlier say, in so many words, that lead and contributing Intervenor's are consolidated pursuant to 10 C.F.R. § 2.715a, they must now be considered "separate intervenors". The Power Authority has clearly ignored the regulation on which we based the ruling in our April 2, 1982, order, namely, 10 C.F.R. § 2.715a, to which the Commission explicitly referred in its order dated September 17, 1982. This section of the regulations authorizes the Board to order any parties in a proceeding who raise substantially the same question "to consolidate their presentation of evidence, cross-examination, briefs, proposed findings of fact, and conclusions of law and argument. . . . A consolidation under this section may be for all purposes of the proceeding, all of the issues of the proceeding, or with respect to any one or more issues thereof." Our April 2, 9, and 23, 1982, orders enacted just such consolidation of parties.

Moreover, because intervening parties are only now put on notice that they must present testimony on probability in conjunction with testimony on consequences, we shall entertain motions requesting additional consolidation of parties pursuant to 10 C.F.R. § 2.715a to enable parties to comply with the Commission's instructions. Such motions shall be submitted by October 15, 1982.

III. Reconsideration of Contentions

We turn now to our reconsideration of the contentions formulated in our April 23, 1982, order. For each contention, we have determined whether the originally proffered contentions and their bases were stated with reasonable specificity, whether the contention itself is likely to be important in answering the Commission question to which it is directed, whether it challenges the regulations, and in the case of contentions directed to Question 2, whether each meets the two-pronged test. In compliance with the Commission's July 27, 1982, instructions, contentions have been cast out, reformulated by us, or left unchanged as we deemed appropriate. We address the contentions seriatim, following a restatement of the Commission Question to which they relate.

Commission Question 1

What risk may be posed by serious accidents at Indian Point 2 and 3, including accidents not considered in the plants' design basis, pending and after any improvements described in (2) and (4) below? Although not requiring the preparation of an Environmental Impact Statement, the Commission intends that the review with respect to this question be conducted consistent with the guidance provided

the Staff in the Statement of Interim Policy on "Nuclear Power Plant Accident Considerations under the National Environmental Policy Act of 1969;" 44 F.R. 40101 (June 13, 1980).^{5/}

5/ In particular, that policy statement indicates that:

Attention shall be given both to the probability of occurrences of releases and to the environmental consequences of such releases;

The reviews "shall include a reasoned consideration of the environmental risks (impacts) attributable to accidents at the particular facility or facilities . . .";

"Approximately equal attention should be given to the probability of occurrence of releases and to the probability of occurrence of the environmental consequences . . ."; and

Such studies "will take into account significant site and plant-specific features . . ."

Thus, a description of a release scenario must include a discussion of the probability of such a release for the specific Indian Point plants.

Contention 1.1

Contention 1.1 as set forth in our Memorandum and Order of

April 23, 1982, read:

The accident consequences that would be suffered by the public, even allowing for emergency planning measures, and their associated probabilities combine to produce high safety risks or risks of environmental damage including: prompt fatalities, early fatalities, early and latent illnesses, fatal and non-fatal cancers, thyroid nodules, genetic effects, and contamination of buildings, soils, waters, agricultural lands, recreational lands, and wildlife areas.

After reviewing Contention 1.1 in light of the Commission's recent instructions on admissibility of contentions, we have concluded that it must be reformulated to narrow its focus

as called for by the Commission's order of July 27, 1982.

Therefore, we have reformulated Contention 1.1 as follows:

New Contention 1.1

The probabilities and consequences of accidents at Indian Point Units 2 and 3 combine to produce unacceptably high risks of health and property damage not only within the plume exposure EPZ but also beyond the plume exposure EPZ as far as the New York City metropolitan area.

The bases for the reformulated contention are:

- 1) The risk of injurious health effects to people in the plume exposure EPZ from excessive exposure to radiation, as a result of reasonably probable accidents, will be exacerbated by an impeded evacuation because:
 - a) Licensees have failed to demonstrate that proper emergency action levels (EALs) as required by 10 C.F.R. § 50.47(b)(4) have been established which will allow prompt recognition of the range of possible accidents at Indian Point Units 2 and 3 and prompt and correct diagnoses of such accidents for the recommendation of appropriate protective actions (UCS/NYPIRG IB5)^{2/}; and
 - b) Licensees have failed to provide instrumentation in accordance with Reg. Guide 1.97, Rev. 2, thus compromising their ability to adequately monitor the course of accidents at Indian Point Units 2 and 3 (UCS/NYPIRG IB5);
- 2) An unacceptable risk of health and property damage as a result of reasonably probable accidents extends beyond the plume exposure EPZ to the New York City metropolitan area because:

^{2/} The citations in parentheses refer to the original bases supplied by Intervenors.

- a) under certain meteorological conditions, life-threatening doses would occur in the New York City metropolitan area for a WASH-1400, PWR 2 type accident (UCS/NYPIRG IIID), and there are no established radiological emergency plans for this area which would adequately protect the public health and safety in such circumstances (UCS/NYPIRG IIID, FOE/Audubon I, basis 7); and
- b) contamination of the Hudson River would affect beaches as far away as Coney Island and Rockaway Beach (See NUREG-0850, Vol. I, Preliminary Report, Appendix D) (UCS/NYPIRG IVA).

We note that the latter part of Contention 1.1 addresses the risk to health and property beyond the plume exposure pathway. As we have indicated above, the Commission's July 27, 1982, order does not limit contentions under Commission Question 1 to conform with the requirements of 10 C.F.R. § 2.758. Thus, there is no bar to consideration of risks to the New York City metropolitan area in Contention 1.1.

Contention 1.1, as reformulated, is much narrower in scope than Commission Question 1. While we believe Contention 1.1 will contribute to answering the Commission question, a complete answer to the question will require evidence on many points not covered by Contention 1.1. Consequently, we shall require the NRC Staff and the Licensees to present evidence on the following Board Questions; other parties are invited to present evidence, as well:

Board Question 1.1

What are the consequences of serious accidents at Indian Point and what is the probability of occurrence of such accidents?

In answering this question the parties shall address at least the following documents: (a) the Indian Point Probabilistic Safety Study (IPPSS) prepared by the Licensees; (b) any reviews or studies of the IPPSS prepared by or for the Licensees, the NRC Staff, or the Intervenors, or any other document which addresses the accuracy of the IPPSS.

Board Question 1.2

What bearing, if any, do the results reported in NUREG/CR-2497, "Precursors to Potential Severe Core Damage Accidents: 1969-79, A Status Report" (1982), have upon the reliability of the IPPSS? For example, are there specific accident scenarios at Indian Point whose probability may have been inaccurately estimated in light of the real-life data reported and analyzed in NUREG/CR-2497?

The Board has already heard and accepted the testimony of Dr. Beyea and Mr. Palenik (ff. Tr. 2900). We would like to have an assessment of the probability associated with those consequences. Therefore, we raise the following question, to be answered at the option of all parties, including the Staff and Licensees:

Board Question 1.3

What are the probabilities associated with the consequences presented in the testimony of Dr. Beyea and Mr. Palenik?

The Board is especially concerned by the recent disclosure of what appears to be a potentially important initiating event whose contribution to risk has not been assessed. The "Letter Report on Review and Evaluation of the Indian Point Probabilistic Safety Study" by Sandia National Laboratories (Letter Report), dated August 25, 1982, and served on the parties to this proceeding on September 1, 1982, says:

3) Pressurized Thermal Shock

This is a safety issue not addressed by the IPPSS or any of the current or past PRAs. It is a complex issue which requires very detailed plant specific

probabilistic, thermohydraulic, and fracture mechanics analysis. Due to the time limitations placed on this review, we were not able to evaluate this initiating event (Letter Report at 2.1-5).

We are fully aware that the Staff is addressing this problem generically and considers it unnecessary to examine it for Indian Point in particular. (See Letter from Eisenhut to Licensees, Subject: Pressurized Thermal Shock to Reactor Vessels, dated August 21, 1981). We are also aware that analysis of eight other plants has suggested that, for the plants reviewed, this event would not pose a hazard for some years. (NUREG/CR-2837, "PNL Review of Pressurized Thermal Shock Issues", July 1982). We note, however, that the PNL review was a deterministic one. The Commission has directed us to give close attention to probabilistic evaluations of residual risks. We, therefore, raise the following question, to be addressed by the NRC Staff and the Licensees; other parties may address it, as well:

Board Question 1.4

What risk to public health and safety is presented by the Indian Point plants through a chain of events including pressurized thermal shock to the reactor pressure vessels?

Commission Question 2

What improvements in the level of safety will result from measures required or referenced in the Director's Order to the licensee, dated February 11, 1980? (A contention by a party that one or more specific safety measures, in addition to those identified or referenced by the Director, should be required as a condition of operation would be within the scope of this inquiry if, according to the Licensing Board, admission of the contentions seems likely to be important to resolving whether: (a) there exists a significant risk to public health and safety, notwithstanding the Director's measures, and (b) the additional proposed measures would result in a significant reduction in that risk).

We admitted two contentions under Question 2 in our April 23, 1982, order, as follows:

Contention 2.1

The following additional specific safety measures should be required as conditions of operation:

- a) A filtered vented containment system for each unit must be installed.
- b) License conditions must be imposed to prohibit power operations with less than a fully operable complement of safety-grade and/or safety-related equipment.
- c) A "core-catcher" must be installed at each unit to provide additional protective action time in the event of a "melt-through" accident in which the reactor pressure vessel is breached by molten fuel.
- d) A separate containment structure must be provided into which excess pressure from accidents and transients can be relieved without necessitating releases to the environment, thereby reducing the risk of containment failure by overpressurization.

Contention 2.2

The following additional specific safety measures should be required as conditions of operation:

- a) The cooling system at the plants should be changed so that it no longer uses brackish Hudson River water. This change is needed to combat safety-related corrosion problems.
- b) A solution to the radiation embrittlement problem in the units' reactor pressure vessels must be found and implemented.
- c) A solution to the problem of steam generator tube deterioration must be found and implemented.
- d) A complete review of both plants must be undertaken to discover and correct flaws resulting from poor quality control in construction and in operation.

In admitting these contentions in our April 23, 1982, order, we applied what we thought was the appropriate standard for the

two-pronged test, i.e., determining "if, according to the Licensing Board, admission of the contentions seems likely to be important to resolving whether (a) there exists a significant risk . . . notwithstanding the Director's measures, and (b) the additional proposed measures would result in a significant reduction in that risk" (emphasis added). In its July 27, 1982, order, however, the Commission instructed us as follows with respect to contentions under Question 2:

In addition to assuring compliance with 10 C.F.R. § 2.714 before admitting such contentions, the Board must make a threshold finding for each such contention whether "(a) there exists a significant risk . . . notwithstanding the Director's measures, and (b) the additional proposed measures would result in a significant reduction in that risk. This finding would be based on written material provided by the sponsor of the proposed measure.

(emphasis added). We did not require the parties to provide sufficient support of their contentions to enable us to make a "threshold finding" with respect to Contentions 2.1 and 2.2.

To apply the "threshold finding" test to Contentions 2.1 and 2.2, it was necessary for us to decide what information is required to support such a finding, a matter the Commission left to our judgment. We have determined that at the stage where we are considering the admissibility of the contention we should require an adequate showing that (a) there may exist a significant risk to public health and safety, notwithstanding the Director's measures, and that (b) the additional proposed measures could result in a

significant reduction in that risk. Ultimately, of course, we shall make the finding that there does or does not exist a significant risk without the proposed safety measures and that the proposed measures would or would not significantly reduce that risk on the basis of the evidence adduced in this proceeding.

In reviewing the contentions and bases proffered by the Intervenor, we have found that some did not set forth sufficient information to support the threshold finding now required, and therefore, we have eliminated them from the proceeding. In a few instances, however, we have adopted as bases certain Commission documents which were not mentioned by the Intervenor in proposing the original contentions from which the admitted contentions were formulated or drawn. Many of the documents that we have cited have appeared since the Intervenor submitted their contentions. While a strict reading of the Commission's instruction in the July 27, 1982, order would suggest that the two-pronged test should "be based on written material provided by the sponsor", we do not believe that the Commission intends that this Board should ignore recent reports by its own Staff or by NRC contractors, when those reports support a contention proposed by an Intervenor. Because "time is of the essence" in this proceeding, we shall not waste more time by waiting for the parties to provide us with information that we already know exists. We have also raised some Board questions to address concerns elicited by recent NRC documents but not raised by the Intervenor.

With respect to contentions which we have eliminated from the proceeding because they do not meet the "threshold finding" standard required for the two-pronged test, we are providing Intervenors an opportunity to present to us any information which would, in their view, enable their discarded contentions to meet the two-pronged test as set forth in the Commission's July 27, 1982, order. Such information must be submitted within 15 days of the issuance of this order. We have determined that the dual goals of expeditiously resuming these hearings and the development of a full and adequate investigatory record requires this action.

We turn now to our reconsideration of Contentions 2.1 and 2.2.

Contention 2.1

We have determined that each of the subparts of Contention 2.1 and their bases are reasonably specific, each subpart meets the two-pronged test, and each is important to answering Commission Question 2. Therefore, Contention 2.1 will be retained without modification. We set forth below for each subpart the bases supplied by the Intervenors and our analysis for reaching the threshold finding that the subpart meets the two-pronged test.

2.1(a) A filtered vented containment system for each unit must be installed.

The basis provided for this subpart is that such systems can be constructed and will prevent or mitigate accidents involving overpressurization of containment (See UCLA-ENG-7775, December 1977, Post Accident Filtration as a Means of Improving Containment

Effectiveness, B. Gossett et al., UCLA School of Engineering and Applied Science, Project Director David Okrent) (UCS/NYPIRG IIIA).

This proposed improvement is not an improvement imposed by the Director's Order, and it specifically addresses a condition (overpressurization of the containment) which has not been protected against by the provisions of the Director's Order. Recent documents suggest that the lack of a filtered vented containment system may present a significant risk to public health and safety, notwithstanding the Director's measures (See Director's Order and NUREG-0850, "Preliminary Assessment of Core Melt Accident of the Zion and Indian Point Power Plant"). Further, the Director's Order did contemplate overpressurization: Instrumentation was added to measure containment pressure "up to three times the design accident pressure" (11 NRC 351, 367). This fact suggests that the Director considers such pressures to be reasonably probable. None of the Director's measures, however, directly addressed coping with such pressure. The fact that NUREG-0850 rates one mode of overpressurization as a "high concern" item (NUREG-0850, p. 3-99) in combination with the fact that the Director may consider above-design accident pressures to be reasonably probable convinces us that a threshold finding that a significant risk to public health and safety may exist is warranted. In addition, we find that the basis supplied by UCS/NYPIRG provides specific and sufficient documentation for us to make a threshold finding that a filtered

vented containment system could result in a significant reduction in that risk.

- 2.1(b) License conditions must be imposed to prohibit power operations with less than a fully operable complement of safety-grade and/or safety-related equipment.^{3/}

The basis provided for this subpart is that operation during periods of time of inoperable safety-grade or safety-related equipment reduces the margin of safety for Indian Point Units 2 and 3 reactors, and thus increases the probability of the accident which the safety equipment in question was meant to counter (UCS/ NYPIRG IIIA).

^{3/} In order to provide all parties with a uniform understanding of the terms "safety-grade" and "safety-related" the Board has decided to adopt the standard definition set forth by the Director of NRR in a memorandum for all NRR personnel dated November 20, 1981, entitled "Standard Definitions for Commonly Used Safety Classification Terms". The Director stated that "safety-grade" is equivalent to "safety-related" and based the following definition of safety-related on 10 C.F.R. 100, Appendix A, sections III(c), VIa.(1), and VIb.(3):

Those structures, systems or components designed to remain functional for the SSE (safe shutdown earthquake) (also termed 'safety features') necessary to assure required safety functions, i.e.:

- (1) the integrity of the reactor coolant pressure boundary;
- (2) the capability to shut down the reactor and maintain it in a safe shutdown condition; or
- (3) the capability to prevent or mitigate the consequences of accidents which could result in potential off-site exposures comparable to the guideline exposures of this part.

The proposed improvement is not an improvement imposed by the Director's order, but the Director's order did consider limiting the time of operation with one specific safety-related system disabled (11 NRC 351, 362). Therefore, we have applied the two-pronged test and have made the threshold finding that the proposed safety measure meets the standard. It is clear to the Board that lacking the proposed safety measure the plants may pose a significant residual risk to public health and safety because the probability of the failure of redundant systems increases as the number of such systems in operation decreases. The extent and degree of significance of this risk should be made apparent at the evidentiary hearing, but it is clearly not zero. It follows that a requirement for all systems to be operable could significantly reduce that risk.

- 2.1(c) A "core catcher" must be installed at each unit to provide additional protective action time in the event of a "melt-through" accident in which the reactor pressure vessel is breached by molten fuel.

The basis provided for this subpart is that a core-catcher would contain molten core material following vessel failure and, in so doing, would provide an increase in the amount of time available to effectuate necessary protective actions before the containment would be breached by melt-through (UCS/NYPIRG IIIA).

We note that the Director's order does not address the "core-catcher" concept. It does, however, implicitly recognize the principle that additional mechanical safety measures are appropriate where the population density is high (11 NRC 351, passim, but

especially at 357). The major difference between these plants and others is the high population density, a factor which (inter alia, cf. Contention 1.1(a) above) may lengthen evacuation time for a serious accident.

We make a threshold finding that the lack of this additional mechanical safety measure may pose a significant risk to public health and safety, because in the event of a "melt-through" accident the dense population in the EPZ may cause a delay in evacuation and, thus, a resulting increase in public exposure to radiation. In addition, we make a threshold finding that a "core-catcher" would delay a containment breach and thus could significantly reduce such risk.

- 2.1(d) A separate containment structure must be provided into which excess pressure from accidents and transients can be relieved without necessitating releases to the environment, thereby reducing the risk of containment failure by overpressurization.

The basis provided for this subpart is that increasing the containment volume by providing a separate, large-volume, leak-tight containment structure would provide for decreasing main containment pressure during accidents (See NUREG-0850, Volume I, Preliminary Report, November 1981, page 3-99) (UCS/NYPIRG IIIA).

We note that this proposed additional safety measure is directed at the same risk of accidents involving overpressurization of containment as that of 2.1(a) above. Therefore, we incorporate by reference our rationale under 2.1(a) for making a threshold finding that a significant risk to public health and safety may

exist without the proposed safety measure. In addition, we make a threshold finding that the proposed safety measure could result in a significant reduction in that risk because it would reduce containment pressure without allowing the escape of radioactive material.

Contention 2.2

We have reviewed Contention 2.2 and have determined that subpart (a) should be retained without modification, subpart (b) should be reformulated to narrow its focus, subpart (c) should be eliminated because it fails to meet the two-pronged test, and subpart (d) should be eliminated because it fails to meet the two-pronged test and because it would be of minimal importance in answering the Commission's question. For the two admitted subparts, (a) and reformulated (b), we set forth below bases and our analysis for reaching the threshold finding that the subparts meet the two-pronged test.

- 2.2(a) The cooling system at the plants should be changed so that it no longer uses brackish Hudson River water. This change is needed to combat safety-related corrosion problems.

The basis for this subpart is that the brackish water has apparently already caused serious corrosion problems in the containment building cooling system and has leaked into the steam system (WBCA 2, filing dated January 11, 1982).

Brackish water, which could also leak into the secondary system through the steam condenser, is a source of corrosive damage, and

the Director's order did not contemplate changes which would reduce the possibility of leakage into the secondary system. Indian Point Unit 3 already has suffered a "new pitting problem" whose cause is "still under investigation" (NUREG-0886, "Steam Generator Tube Experience", February 1982, at 15).

Considering the fact that NUREG-0886 considerably post-dates the Director's order, we have made the threshold finding that there may exist a significant risk to public health and safety, notwithstanding the Director's measures, and that the elimination of brackish water from the cooling system might significantly reduce that risk.

Upon reconsideration of 2.2(b), we have determined that the subpart should be reformulated to focus more narrowly on Commission Question 2. As reformulated, it states as follows:

New Contention 2.2(b)

The residual risk posed by the Indian Point plants and discussed under Board Question 1.4 above is great enough to justify remedial measures to prevent pressure vessel damage by pressurized thermal shock. The specific measures needed include one or more of the following:

- (i) pressure vessel replacement;
- (ii) in situ annealing of the pressure vessel;
- (iii) revision of technical specifications to reduce the probability of pressurized thermal shock;
- (iv) use of preheated water for safety injection.

The basis for this subpart is the same as that for Board Question 1.4, above, i.e., the recent disclosure in the Letter Report that pressurized thermal shock was not accounted for in the IPPSS.

The problem addressed by Board Question 1.4 has not been protected against by provisions in the Director's order, and the improvements proposed by subpart 2.2(b) were not imposed by the Director. Therefore, sufficient documentation exists for the threshold finding that the possibility of overpressurization of an embrittled pressure vessel at Indian Point may present a significant risk to public health and safety, notwithstanding the Director's measures, and that one or more of the measures proposed in subpart 2.2(b) could result in a significant reduction in the risk to public health and safety.

Subpart 2.2(c) as admitted in our April 23, 1982, order addressed the risk of steam generator tube failure. It failed, however, to propose a specific safety improvement that could result in a significant reduction of the risk to public health and safety from a steam generator tube failure. Thus, we are unable to make the threshold finding that "the additional proposed measures would result in a significant reduction in that risk", and the subpart fails to pass the two-pronged test. It is, therefore, rejected.

Recent events have convinced us, however, that an inquiry into steam generator tube failure at Indian Point is required to enable us to adequately answer Commission Question 2. As we noted in the

discussion of subpart 2.2(a), above, a new type of corrosion has been discovered in the steam generators of one of the Indian Point units; this discovery postdates the Director's order. Further, the failure of a steam generator tube at the R. E. Ginna plant on January 25, 1982, was deemed by the Staff to be serious enough to warrant noticing in the Federal Register as an "Abnormal Occurrence" which was "significant from the standpoint of public health and safety" (47 Fed. Reg. 30672 (1982)). We are also aware that the NRC Staff met with the Steam Generator Owners Group (SGOG) on July 29, 1982, to present proposed generic requirements for steam generators (See "Summary of July 29, 1982, Meeting with Steam Generator Owners Group (SGOG) Regarding Proposed Generic Requirements", issued by Robert E. Martin, Operating Reactors Assessment Branch, Division of Licensing). Based on the foregoing, we are raising the following Board question.

Board Question 2.2.1

Should any of the requirements proposed at the July 29, 1982, meeting of the NRC Staff and members of the SGOG be required for Indian Point Units 2 and/or 3, considering the risk of a steam generator tube rupture in this high population area?

The Staff and Licensees shall address this question. Other parties are invited to address it, as well.

Subpart 2.2(d), which relates to quality control and which cited as a basis the October, 1980, flooding of the Indian Point Unit 2 containment building, is being rejected because the investigation of events such as the one cited is the responsibility

of the Office of Inspection and Enforcement. That office thoroughly investigated the flooding event cited, and is uniquely qualified to investigate and act on such events in the future. We, therefore, find that litigation of this contention would not make an important contribution to answering Commission Question 2. Moreover, the subpart fails to meet the two-pronged test.

Commission Question 3

What is the current status and degree of conformance with NRC/FEMA guidelines of state and local emergency planning within a 10-mile radius of the site and, of the extent that it is relevant to risks posed by the two plants, beyond a 10-mile radius? In this context, an effort should be made to establish what the minimum number of hours warning for an effective evacuation of a 10-mile quadrant at Indian Point would be. The FEMA position should be taken as a rebuttable presumption for this estimate.

We admitted seven contentions under Commission Question 3 in our April 23, 1982, order, as follows:

Contention 3.1

Emergency planning for Indian Point Units 2 and 3 is inadequate in that the present plans do not meet any of the sixteen mandatory standards of 10 C.F.R. § 50.47(b), nor do they meet the standards of Appendix E to 10 C.F.R. Part 50.

Contention 3.2

Emergency planning for Indian Point Units 2 and 3 is inadequate in that the plans make erroneous assumptions about the response of the public and of utility employees during radiological emergencies.

Contention 3.3

The present estimates of evacuation times, based on NUREG-0654 and studies by CONSAD Research Corporation and by Parsons, Brinckerhoff, Quade & Douglas, Inc., are unreliable. They are based on unproven assumptions, utilize unverified methodologies, and do not reflect the actual emergency plans.

Contention 3.4

The Licensees cannot be depended upon to notify the proper authorities of an emergency promptly and accurately enough to assure effective response.

Contention 3.5

There is no Contention 3.5 (LBP-82-32, April 23, 1982).

Contention 3.6

The emergency plans and proposed protective actions do not adequately take into account the full range of accident scenarios and meteorological conditions for Indian Point Units 2 and 3.

Contention 3.7

The problems of evacuating children from threatened areas have not been adequately addressed in the present emergency plans.

Contention 3.8

There is no Contention 3.8 (LBP-82-32, April 23, 1982).

Contention 3.9

The road system in the vicinity of the Indian Point plant is inadequate for timely evacuation.

Contentions under Commission Question 3 are discussed below with contentions under Commission Question 4.

Commission Question 4

What improvements in the level of emergency planning can be expected in the near future, and on what time schedule, and are there other specific offsite emergency procedures that are feasible and should be taken to protect the public?

We admitted seven contentions under Commission Question 4 in our April 23, 1982, order, as follows:

Contention 4.1

The plume exposure pathway EPZ should be expanded from its present 10-mile radius in order to meet local emergency response needs and capabilities.

Contention 4.2

The following specific, feasible off-site procedures should be taken to protect the public:

- a) Potassium iodide should be provided in an appropriate form for all residents in the EPZ.
- b) Adequate sheltering capability should be provided for all residents in the EPZ.
- c) License conditions should prohibit power operation of Units 2 and 3 when the roadway network becomes degraded because of adverse weather conditions.
- d) The roadway network should be upgraded to permit successful evacuation of all residents in the EPZ before the plume arrival time.

Contention 4.3

There are no feasible offsite emergency procedures which can adequately protect the public.

Contention 4.4

The emergency plans should be upgraded by taking account of special groups with special needs in emergencies. In particular, provision must be made for evacuating persons who are dependent upon others for their mobility.

Contention 4.5

Specific steps must be taken by NRC, State, and local officials to promote a public awareness that nuclear power plant accidents with substantial offsite risks are possible at Indian Point.

Contention 4.6

A maximum acceptable level of radiation exposure for the public must be established before any objective basis will exist for adequate emergency planning.

Contention 4.7

The present emergency planning brochures and present means of alerting and informing the population of an emergency do not give adequate attention to problems associated with persons who are deaf, blind, too young to understand the instructions, or who do not speak English.

In response to the Board's questions raised in our August 9, 1982, certification concerning contentions under Commission Questions 3 and 4, the Commission said:

In light of this development [i.e., the start of the "120-day clock" pursuant to 10 C.F.R. § 50.54(s)(2)(ii) by the Staff], and based on the Commission's perception that to hear testimony regarding what is likely to be a rapidly changing situation would be wasteful of the time and resources of the Board and the parties, the Commission believes that the Board can (after reconsidering its rulings on the contentions and completing any necessary prehearing matters) proceed first to take evidence on questions 1, 2, 5, 6 and 7. Then the Board can take evidence on questions 3 and 4 under the Commission guidance previously provided. If the concerns that prompted the Board to certify questions [about contentions addressing Commission Questions 3 and 4] remain at the conclusion of the testimony on these other Commission questions (i.e., questions 1, 2, 5, 6, and 7), the Board can return to the Commission for further guidance if needed.

Con Edison, in "Con Edison's Motion to Establish a Briefing Schedule Regarding the Reformulation of Contentions" dated August 31, 1982, requested, that the Board "postpone reformulation emergency planning (Commission Questions 3 and 4) issues in this proceeding until at least December of this year." Con Edison argued that any reformulation of these contentions at the present time might be wasted effort because of future developments; by waiting until the 120-day clock has expired, the Board can reformulate contentions on emergency planning based upon conditions that exist after current efforts to satisfy FEMA have been completed.

The Staff, on the other hand, in the "NRC Staff Response to Con Edison's Motion to Establish a Briefing Schedule Regarding Reformulation of Contentions" argues that the Commission "explicitly states that the Board must first reconsider its rulings on all contentions" (emphasis added) before taking evidence on the other questions. Staff emphasizes that the Commission explained that "to hear testimony regarding what is likely to be a rapidly changing situation would be wasteful of time and resources . . ." (emphasis supplied by the Staff). Also, the Commission said that "the Board can (after reconsidering its rulings on the contentions and completing necessary prehearing matters) proceed first to take evidence on Commission Questions 1, 2, 3, 6, and 7" (emphasis supplied by the Staff).

We agree with Con Edison. We cannot believe that the Commission intended that its words be taken quite so literally as Staff would have us take them. Why would the Commission admonish us not to waste time taking evidence about a "rapidly changing situation" yet, at the same instant, require that we spend time reformulating contentions about the same "rapidly changing situation"? The time that the Board and the parties would spend now on contentions relating to emergency planning could very well be a waste. We note that some of the contentions directly address some of the deficiencies found by FEMA in its July 30, 1982, interim report on the Indian Point emergency plan. It is certainly reasonable to expect that the relevancy of some of those contentions

might change by December. Although not all of the contentions under Commission Questions 3 and 4 will necessarily be affected, in the interests of avoiding a waste of time and a disjointed record, we have decided that the most reasonable course of action is to defer reconsideration of all of them until the 120-day clock has run.^{4/}

Commission Question 5

Based on the foregoing, how do the risks posed by Indian Point Units 2 and 3 compare with the range of risks posed by other nuclear power plants licensed to operate by the Commission? (The Board should limit its inquiry to generic examination of the range of risks and not go into any site-specific examination other than for Indian Point itself, except to the extent raised by the Task Force.)

We admitted one contention and raised a Board question under Commission Question 5 in our April 23, 1982, order, as follows:

Contention 5.1

The risks associated with Indian Point Units 2 and 3 are greater than those associated with many other operating nuclear power plants. These greater risks result from the design and operating conditions of the plants.

Board Question

What bearing does the fact that Indian Point has the highest population within 10, 30, and 50 miles of any nuclear plant site in the United States have on the relative risk of Indian Point compared to other plants?--

^{4/} We have reviewed the contentions under Commission Questions 3 and 4 and have found that every previously admitted Intervenor has at least one contention whose admissibility will not be jeopardized in our later considerations. Accordingly, our previous rulings on the standing of Intervenors are undisturbed.

Contention 5.1

We have reviewed Contention 5.1 in light of the Commission's instructions on the admissibility of contentions and find that it lacks the specificity called for by the Commission's July 27, 1982, order. The basis originally stated by WBCA in its December 2, 1981, filing alleged that "the risks surrounding Indian Point are greater than that (sic) of many other operating stations due to the design and condition of the stations. We expect to provide witnesses to illustrate that the conditions and design are riskier than many other stations."

We accepted this broad allegation under the assumption that the usual process of discovery would focus the issue on specifics. The Commission informed us, however, in its July 27, 1982, order that the specificity in the bases must accompany the proffered contention. We shall, therefore, reject this contention unless WBCA can provide a list of specific design features or specific plant conditions which make the Indian Point plants riskier than many other nuclear plants. The list must indicate how each item affects the risks associated with the operation of the Indian Point plants; it must be submitted by October 15, 1982.

Board Question under Commission Question 5

We have reviewed this question and have decided that the parties might better address it in their proposed findings, by analyzing the evidence adduced on the other Commission questions, instead of presenting evidence on this question alone. Therefore, the Board Question originally raised under Commission Question 5

need not be addressed in testimony. Rather, we ask the NRC Staff and the Licensees to present testimony which directly addresses Commission Question 5.5/ The other parties are invited to do likewise.

Commission Question 6

What would be the energy, environmental, economic or other consequences of a shutdown of Indian Point Unit 2 and/or Unit 3?

We admitted three contentions under Commission Question 6 in our April 23, 1982, order, as follows:

Contention 6.1

An economic consequence of the shutdown of Indian Point Units 2 and 3 would be an economic benefit accruing to Rockland County through the sale of replacement power.

Contention 6.2

The physical and psychological environment of children will be improved by permanently shutting down the Indian Point Nuclear Power Station.

Contention 6.3

Considering the savings in operating expense which would result from shutting down Indian Point Units 2 and 3, and allowing for the ways in which cogeneration and conservation can mitigate the costs of replacement power, the net costs of shutdown are small; in fact, they are smaller than previous studies by UCS, GAO, or Rand suggest, and are entirely acceptable.

We have reviewed these contentions pursuant to the Commission guidance provided in its July 27, 1982, order and determined that 6.1 and 6.3 should be retained as stated and 6.2 rejected. Our reasons for these determinations are given below.

5/ Absent such testimony we would be unable to answer Commission Question 5. Even if ultimately admitted, Contention 5.1 will not provide us with all of the information needed to answer the Commission's question.

Contention 6.1

We have decided that Contention 6.1 should be retained without modification. The basis for this contention as stated in WBCA's January 11, 1981, filing, is that Orange and Rockland County utilities have 300 MW of excess capacity which could be sold to Con Edison as replacement power if Indian Point Unit 2 were shut down. The contention and its basis meet this standard of specificity called for by the Commission's July 27, 1982, order, and the contention is material to answering Commission Question 6.

Contention 6.2

Upon reconsideration of Contention 6.2, we have determined that this contention should be eliminated from the proceeding. When the Board admitted Contention 6.2 in the order of April 23, 1982, it stated in footnote 3:

The litigation of psychological aspects of this contention will be held in abeyance pending issuance of an opinion by the court in PANE v. NRC, Docket No. 81-1131, D.C. Court of Appeals, and any NRC policies or regulations issued as a result of that decision. The reference to physical environment here relates to radiation released offsite by Indian Point Units 2 and 3, radiation spills during the transportation of radioactive waste from the plants and radioactive effluents released into the Hudson River. Tr. 912-13.

(Order at 19).

On May 14, 1982, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in PANE v. NRC^{6/} and on July 16, 1982, the NRC issued a Statement of

^{6/} People Against Nuclear Energy v. NRC, 678 Fed. 2d 222 (D.C. Cir. 1982).

Policy on the Consideration of Psychological Stress Issues.^{7/}

In PANE v. NRC, the Circuit Court upheld the Commission's determination that psychological health is not cognizable under the Atomic Energy Act (AEA).^{8/} The Circuit Court accepted the Commission's rationale that

the Atomic Energy Act itself does not discuss psychological health, and the statute, its legislative history, and applicable case law all suggest strongly that Congress intended the Commission to exercise its regulatory authority to protect only against the physical risks of radiation.

(PANE v. NRC, at 250). Moreover, the Circuit Court found the Commission reasonable in its view that "the major contribution which it can make to the alleviation of psychological stress is to make sound technical decisions in its area of expertise." (Id. at 252).

The Circuit Court did find that psychological health is cognizable under the National Environmental Policy Act (NEPA), but in the opinion of the Commission, "the cognizability of psychological stress impacts under NEPA . . . hinges on three elements." (47 Fed. Reg. 31762). The Commission set forth the three elements as criteria for admitting psychological stress contentions as follows:

1. The [psychological stress] impacts must consist of "post-traumatic anxieties," as distinguished from mere dissatisfaction with agency proposals or policies;
2. the impacts must be accompanied by physical effects; and

^{7/} 47 Fed. Reg. 31762 (1982).

^{8/} See Metropolitan Edison Co., CLI-82-6, 15 NRC 407 (1982).

3. the "post-traumatic anxieties" must have been caused by fears of recurring catastrophe.

(Id.) The Commission explained that the third element means that a serious accident must already have occurred at the site, and

[i]n the Commission's view, the only nuclear plant accident that has occurred to date that is sufficiently serious to trigger consideration of psychological stress under NEPA is the Three Mile Island Unit 2 accident. Accordingly, only this accident can currently serve as a basis for raising NEPA psychological stress issues.

(Id.)

Therefore, in light of the Circuit Court's affirmation in PANE v. NRC of the NRC's interpretation of the AEA, the Commission's Statement of Policy on the Consideration of Psychological Stress Issues, and the Commission's recent directives in its July 27, 1982, order indicating that contentions under Commission Question 6 may not challenge the regulations, the Board is required to hold that the psychological aspect of this contention is inadmissible.

The Board has decided to screen out the physical environment aspect of contention 6.2 as well, in accordance with the Commission's recent instruction to "further screen out those contentions which while complying with § 2.714, did not seem likely to be important in answering our question" or "would make only a minor contribution to the Commission's goal, incommensurate with the time and resources required to address them." We are convinced that litigation of this part of the contention would not make a major contribution to a cost/benefit analysis of the energy, environmental, economic or other consequences of a shutdown of

Indian Point Unit 2 and/or Unit 3, which we believe is the point of Commission Question 6. The Commission appears to be seeking, in part, a comparison of the environmental costs and benefits of operating Indian Point Units 2 and 3 with the environmental costs and benefits of shutting them down.

The underlying allegation of the physical environment aspect of this contention is that the environment around Indian Point would be improved by the shutdown of the plant because one consequence would be a reduction in the release of radiation into the environment. This consequence would occur in the environment around any nuclear power plant were it to be shut down. For that reason evidence on this matter does not seem important to answering the Commission's question.

Contention 6.3

We have decided to retain Contention 6.3 without modification.

The bases for this contention provided by the Greater New York Council on Energy (GNYCE) in its filing of April 9, 1982, are as follows:

- (1) Savings in operating expenses would result from the elimination of the costs of maintenance, fuel, capital improvements, spent fuel storage, insurance, nuclear staffing, and other costs associated with the operation of the plant.

- (2) A study by the New York City Energy Office^{9/} has found that New York City has a minimum potential conservation of 5.7 billion kwh or 20% of total electrical consumption. This level of highly economical conservation would save New York City over \$550 million and would displace 71% of the generation value of both Indian Point plants combined.
- (3) An analysis by GNYCE^{10/} of the potential impact of cogeneration on the energy economy of New York City has found that a mid-range case of a total 1500 MW gas-fired cogeneration or capacity readily built within five years and well below the level of economic saturation, would result in the generation of electricity equivalent to 1.3 times that generated by both Indian Point plants combined, i.e., 11 billion kwh. A comparison of the fuel costs for the Con Edison (and PASNY) system "as-is", assuming the continued operation of Indian Point and the same system without Indian Point but with 1500 MW of cogeneration showed that the system including the cogeneration would

^{9/} DeMetro, James, et al., Energy Consumption in New York City, New York City Energy Office, April, 1981.

^{10/} Corren, Dean, The Potential for Cogeneration in New York City, testimony before the Council of the City of New York, February, 1981.

save the city's economy \$600 million per year in fuel costs.

- (4) A 1980 study by Brookhaven National Laboratory^{11/} of the impact of cogeneration on the Con Edison system found that under ratesetting requirements promulgated by FERC pursuant to the Public Utility Regulatory Policy Act of 1978 (PURPA), all of Con Edison's regular, non-cogenerating customers would save money as a result of the connection of cogenerators to the grid.
- (5) Due to Federal and State legislation, most of the institutional barriers to cogeneration in the New York City area have been eliminated and within the next few years privately financed cogeneration system installations are expected to accelerate. The New York State Legislature is currently considering bills which would add further impetus to cogeneration by prioritizing cogenerators for natural gas connections and by having PASNY finance public and municipal cogeneration projects.

^{11/} Bright, Robert, et al., The Avoided Costs Associated with Cogeneration: A Case Study of Con Ed, National Center for the Analysis of Energy Systems, Brookhaven National Laboratory, U.S. DOE Contract No. DE-AC02-76CH00016.

The contention and its bases meet the standard of specificity called for by the Commission's order of July 27, 1982, and the contention is material to answering Commission Question 6.

Commission Question 7

Does the Governor of the State of New York wish to express an official position with regard to the long-term operation of the units?

As the Commission's July 27, 1982, order recognizes, this question "does not relate to the parties and the formulation of contentions."

IV. Intervenor Assignments

We list below the Lead Intervenor and Contributing Intervenor(s) assigned to each of the restated contentions. As we indicated above, in this proceeding the Intervenors sharing responsibility for a contention in this fashion are consolidated with respect to that contention pursuant to 10 C.F.R. § 2.715a. Further, if additional consolidations are considered desirable by the Intervenors or interested governmental units, we will entertain motions to consolidate. Such motions, as we have said, must be submitted by October 15, 1982.

The present assignments are as follows:

<u>Contention</u>	<u>Lead Intervenor</u>	<u>Contributing Intervenor(s)</u>
1.1	UCS/NYPIRG	FOE, Audubon
2.1	UCS/NYPIRG	None
2.2	WBCA	UCS/NYPIRG
3 and 4	To be specified later	
5.1	WBCA (contingent upon later acceptance of the contention)	
6.1	WBCA	None
6.2	GNYCE	UCS/NYPIRG

As we have explained above, we have posed Board questions with respect to Commission Questions 1 and 2 because we do not believe that the admitted contentions under those questions will elude enough information to enable us to answer the questions. The NRC Staff and the Licensees, with their substantial resources in technical talent, shall address those questions (although at their option with respect to 1.3). The Intervenor(s) are also invited to present evidence on the Board questions.

V. Schedule

A. Long-term

All parties are invited to propose a schedule, in as much detail as a party may wish, for the continuation of this proceeding. Such proposals should be submitted by October 15, 1982.

B. Short-term

Con Edison in its August 31, 1982, motion argued that the parties should be provided an opportunity to present their positions with respect to the Board's review of the contentions. Con Edison suggested that we provide for the filing of responses to the Board's

order and the filing of replies to the responses, to be followed by a prehearing conference to hear argument on the parties' views. The NRC Staff, in its September 20, 1982, response to Con Edison's motion, agreed that briefs should be filed and a prehearing conference held, but Staff objected to providing time for filing reply briefs.

We agree with Con Edison and Staff that the Board should seek the advice of the parties with respect to the restated contentions. We agree, also, that a prehearing conference should be held to discuss the views of the parties. And finally, we agree with the Staff that no time should be provided for the filing of reply briefs. We think that response briefs following service of this order and a prehearing conference afterwards to hear argument on the parties' views should provide ample opportunity for the parties to present and explain their positions.

Parties are invited to file briefs responding to this order by October 15, 1982.^{12/} A prehearing conference will be held approximately 25 days following service of this order. The exact time and place will be announced by further order of the Board.

^{12/} We recognize that some parties may be called upon by this order to present specific responses to parts of the order in addition to the generalized response invited from all parties. If for this reason or other good cause a party needs a short extension of time to submit its response, we will entertain a motion for an extension. Parties are advised that such an extension could amount to a few days only, and that a request for an extension must be submitted prior to October 15, 1982. Because of the short time available, the Board will not entertain replies to motions for an extension of time.

ORDER

For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is, this 1st day of October

ORDERED

1. That parties designated as Lead and Contributing Intervenor for a contention are consolidated pursuant to 10 C.F.R. § 2.715a with respect to that contention;
2. That our review of Contentions 3.1 through 3.9 and 4.1 through 4.7 will be deferred until after the 120-day clock started by the Staff pursuant to 10 C.F.R. § 50.54(s)(2)(ii) has run or we have completed taking testimony on Commission Questions 1, 2, 5 and 6;
3. That Contentions 2.1(a) through 2.1(d), 2.2(a), 6.1 and 6.3 shall be retained without modification;
4. That Contentions 1.1 and 2.2(b) are reformulated as indicated in this order;
5. That Contentions 2.2(c), 2.2(d), and 6.2 are rejected;
6. That Contention 5.1 will be rejected if WBCA does not proffer an amended version with the specificity indicated in this order;
7. That Board Questions 1.1, 1.2, 1.4 and 2.2.1 shall be addressed by the NRC Staff and the Licensees, and by any Intervenor who wishes to present evidence on them;
8. That Board Question 1.3 shall be addressed voluntarily by the parties, including Staff and Licensees;

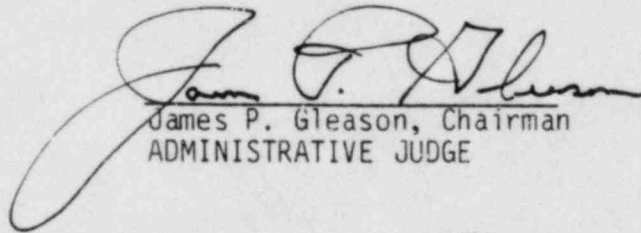
9. That testimony need not be presented on the Board Question raised under Commission Question 5 in our April 23, 1982, order, but the Staff and Licensees shall, and other parties may, present testimony which directly addresses Commission Question 5.

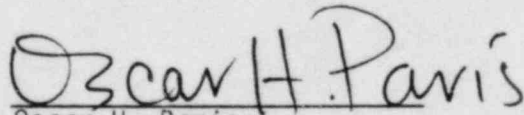
10. That all responses to this order shall be filed by October 15, 1982;

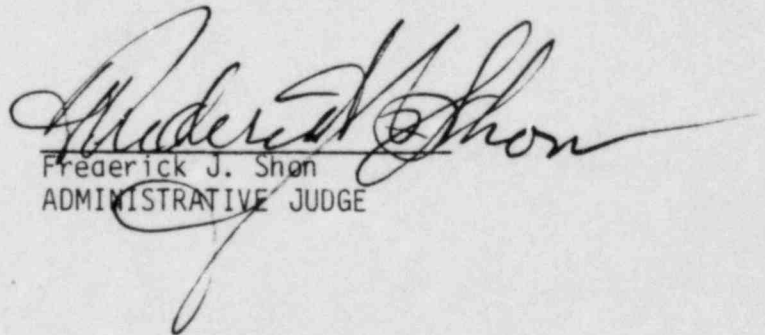
11. That replies to such responses will not be entertained by us; and,

12. That argument on responses to this order will be heard at a prehearing conference to be scheduled by further order of the Board.

THE ATOMIC SAFETY AND
LICENSING BOARD


James P. Gleason, Chairman
ADMINISTRATIVE JUDGE


Oscar H. Paris
ADMINISTRATIVE JUDGE


Frederick J. Shon
ADMINISTRATIVE JUDGE

Bethesda, Maryland