

February 7, 1974

Anthony Z. Roisman, Esq.
Berlin, Roisman & Kessler
1712 H Street, N.W.
Washington, D. C. 20036

PETITION FOR DERATING OF CERTAIN
BOILING WATER REACTORS

Docket Nos. 50-219, 50-237, 50-249,
50-254, 50-265, 50-220,
50-245, 50-263, 50-293.

Dear Tony,

Six of the captioned BWRs are still operating under technical specifications issued by the regulatory staff in August 1973. We expect that these technical specifications will be revised in the next few weeks and that some of the revisions will involve the replacement of a 7x7 fuel assembly with an 8x8 fuel assembly. Therefore, in accordance with our understanding, I am sending for your information and use generic 8x8 documentation. This documentation includes GE proprietary data and staff internal memoranda including consultant reports. The staff is still reviewing this information pursuant to the requirements of 10 CFR §2.790. Therefore, all documentation should be held proprietary in accordance with your agreement with GE. We also have in our custody certain GE test data and staff analyses. These data are contained in computer printouts and are not readily subject to xeroxing. If you desire, we will make these data available to you for review in our Bethesda office. We will continue to furnish pertinent fuel densification information to you as it becomes available.

The ACRS subcommittee concerning the 8x8 fuel assembly met on December 18, 1973, and January 8 and 24, 1974. Transcripts of these three meetings are available in the Public Document Room.

Please call if you have any questions.

Sincerely,

Joseph Gallo
Acting Chief Hearing Counsel

Enclosure:
As stated

OFFICE ▶	OEC					
SURNAME ▶	JG: fdn					
DATE ▶	2/8/74					

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

Docket Nos. 50-219, 50-237,
50-249, 50-254,
50-265, 50-220,
50-245, 50-263,
50-293

New England Coalition on Nuclear Pollution and Friends of the Earth are filing this document to indicate our position on the proposed amendment to Technical Specifications for four of the above-noted reactors. It is our determination upon a necessarily hasty review of the material made available to us and an indepth briefing by the regulatory staff that we have no objection to the proposed amendment of technical specifications for these four plants.

It is also our view that any additional technical specification amendments to these four plants or to any of the other six which are related to fuel densification (Vermont Yankee Nuclear Power Corporation, ALAB-167, RAI-73-12, December 20, 1973

(Slip Op. p. 8):

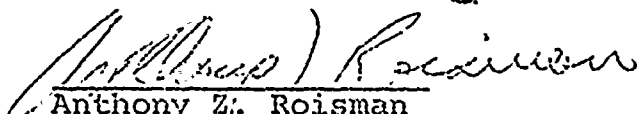
...even though not thought to be hazardous in the light of further study, would at least "present" or "involve" a significant hazards "consideration".

In short, with respect to any future changes, we believe a notice for opportunity for hearing is required.

Finally, we wish to re-emphaize our opposition to the practice of the vendor and the utility and the regulatory staff in this proceeding by which we are not permitted to see all relevant information until weeks or months after it is generated. We request that an order be issued directing all utilities involved, all vendors involved and the regulatory staff to make immediate, simultaneous and identical service on us of all documents received by the AEC or any of its employees, sent by the AEC or generated by the AEC. This should include all proprietary data and internal memoranda except to the extent the Staff believes the latter are entitled to and should be exempted under the Freedom of Information Act.

In the case of an exemption claim the Staff should immediately identify the memoranda, its subject and the persons to whom sent and by whom. Finally we should be advised in advance of any meetings, formal or otherwise, on the fuel densification subject between the Staff and any person outside the Staff including vendors, utilities, Staff consultants, the ACRS and the Commission and an opportunity to attend the meeting should be offered. If no opportunity to attend a meeting is to be offered thereason for the refusal along with a detailed agenda of the meeting and the proposed participants should be provided to us at least 24 hours before the meeting. Unless these procedures are followed it will not be possible for us to provide a prompt response to the proposed action. Our willingness to operate under strict time constraints this time was an effort on our part to demonstrate a willingness to cooperate. We expect similar cooperation in the future from all other parties.

Respectfully submitted,


Anthony Z. Roisman
Counsel for New England Coalition
on Nuclear Pollution and
Friends of the Earth

December 21, 1973

50-220

December 18, 1973

Mr. Frank Peartree
U. S. Court of Claims
717 Madison Place, N. W.
Washington, D. C. 20005

Dear Sir:

This letter will confirm our telephone conversation on December 18, 1973 which concerned the availability of Room 309.

The Atomic Energy Commission respectfully requests that Room 309 be reserved on December 19, 1973 for a continuation of the Evidentiary Hearing on the proposed Nine Mile Point Nuclear Generating Station.

Thank you again for your kind assistance.

Sincerely,

J. R. Neubeiser
Public Proceedings Staff
Office of the Secretary
of the Commission

bcc: Mr. Head
Mr. Massar
ASLBP
H. Gearin
S. Sheppard
Reg. Files
ASLAB
HQS



1. The first part of the document is a list of names and addresses. The names are: John Doe, Jane Doe, and John Doe. The addresses are: 123 Main St, 456 Main St, and 789 Main St.