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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE COMMISSIONERS:
Nunzio J. Palladino, Chairman
Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal
Lando W. Zech, Jr.

OFFICE OF SECRETARY
DOCKET NO. 50-247
DOCKET NO. 50-286

In the Matter of)

CONSOLIDATED EDISON COMPANY OF)
NEW YORK, INC.)
(Indian Point, Unit No. 2))

Docket Nos.
50-247 SP
50-286 SP

POWER AUTHORITY OF THE STATE OF)
NEW YORK)
(Indian Point, Unit No. 3))

October 15, 1984

LICENSEES' COMMENTS ON
OCTOBER 2, 1984 COMMISSION
MEETING REGARDING INDIAN POINT

Consolidated Edison Company of New York, Inc. (Con Edison) and the Power Authority of the State of New York (Power Authority), licensees of Indian Point Units 2 and 3, respectively, hereby respond to the Nuclear Regulatory Commission's (Commission's) invitation to submit comments on Staff's October 2, 1984 presentation to the Commission. Memorandum from Samuel J. Chilk, Secretary of the Commission to All Parties in the Indian Point Special Proceeding (Oct. 4, 1984).

I. Staff's Assessment of Overall Risk

Licensees agree with Staff's conclusion that "[t]he

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overwhelming preponderance of evidence points to no undue risk [at Indian Point]." Continuation of 9/5 Discussion of Indian Point Probabilistic Risk Assessment at 58 (Oct. 2, 1984) (Discussion Continuation). Even accounting for uncertainties in Staff's and licensees' probabilistic risk assessments (PRAs), the assignment of high risks at Indian Point "is largely out of the question." Id.¹ Staff was able to reach this conclusion using WASH 1400-type source terms, which the Staff acknowledges overstate potential accident consequences.

Licensees agree with Staff that the "main finding" is the "very good performance of the containment." Discussion Continuation at 62-63. As Commissioner Asselstine noted, Staff's conclusion regarding the high level of safety at Indian Point was based on sound engineering evidence, as well as "the discipline of PRA." Id. at 72-73; see id. at 56-57.²

1. Concern for these uncertainties is further reduced by the fact that licensees presented testimony demonstrating that the early and latent fatality risks at Indian Point Units 2 and 3 are far below the Commission's Preliminary Safety Goals. See Licensees' Testimony of Dennis C. Bley, Donald F. Paddleford, Thomas E. Potter, and Dennis C. Richardson on Commission Question Five at 5-7 (Table 1); cf. Policy Statement on Safety Goals for the Operation of Nuclear Power Plants, 48 Fed.Reg. 10,773, 10,774 (1983).

2. Licensees note that the large margin of safety at Indian Point, even considering uncertainties in the PRAs, and the fact that conclusions regarding the safety of the plants also rely on standard engineering analyses provide a

Because all analyses, whether based on standard engineering studies and judgment or on state-of-the-art probabilistic methodology, show the safety level at Indian Point to be high, licensees fully support Staff's conclusion that further plant modifications or backfits are not warranted. Id. at 66; Summary of Staff Testimony on the Risk at the Indian Point Special Proceeding (Continued from September 5, 1984) at 8.4 (Oct. 2, 1984) (Summary). Although Staff "searched high and low to find cost-effective prevention or mitigation systems that we might advocate," Discussion Continuation at 31, it noted that "most of the attributes that we had hoped to achieve through containment backfits [are] already present in the design" at Indian Point. Id. at 6.

II. A Filtered Vented Containment System is Unwarranted

In particular, licensees agree with Staff's conclusions regarding a filtered vented containment system (FVCS). Staff noted that the value of such a system is "very plant specific" and that with "the type of containment that Indian Point has, it doesn't add that much to . . . safety." Id. at 12-13. A FVCS would be of "most value . . . where rather rapid overpressurization failure to containment would be

"satisfactory response" to the Union of Concerned Scientists' concerns regarding PRA. See Union of Concerned Scientists' Comments on Staff Briefing Concerning Indian Point Probabilistic Risk Assessment at 3 (Sept. 25, 1984).

expected," id. at 13, whereas at Indian Point, gradual overpressurization, although exceedingly remote, is the most likely failure mode. Direct Testimony of James F. Meyer and W. Trevor Pratt Concerning Commission Question 1, at III.B-40; Licensees' Testimony on Commission Question One and Board Question 1.1 and Contention 1.1, at 89 (Licensees' Testimony on Question One). In addition, a FVCS would not be effective in the case of the V sequence, which accounts for more than 90 percent of the early fatality risk at Indian Point. Licensees' Testimony of Dennis C. Bley and Dennis C. Richardson on Contentions 2.1(a) and 2.1(d) at 8 (Bley/Richardson Testimony).

Licensees and Staff agree that the cost of a FVCS would be "substantial" and not justified by its marginal risk reduction effect. Discussion Continuation at 9; see Summary at 8.4. There are also considerable uncertainties regarding both the cost assessment of this mitigative feature and its effectiveness in reducing risk. Id. at 8.3; Discussion Continuation at 9, 17. Staff and licensees also agree that the addition of this feature at Indian Point would add its own attendant risks. Discussion Continuation at 16-17; Bley/Richardson Testimony at 18-19. For the reasons set forth by Staff, Discussion Continuation at 16-17, such a device could even result in a diminution of safety levels. No effort was made to quantify the significant attendant

risks associated with a FVCS.

Staff also stated that the calculations in their safety assessment "over-predict the residual risk and therefore over-predict the incentive for further risk reduction." Id. at 14-15. Licensees' witnesses presented testimony demonstrating that a seismic collapse of the containments could not occur under conditions caused by any credible seismic event in the Indian Point vicinity, see Power Authority's Proposed Findings of Fact 81; Con Edison's Proposed Findings of Fact 1.1-83, and Staff has now "verified that there is merit in their [licensees'] analysis and that the seismic threat to containment was in fact exaggerated." Discussion Continuation at 15-16. Modifications have been implemented at Indian Point, such as the strengthening of the ceiling panels in the control room, which further reduce the risk calculations originally reported by Staff. Id. at 15; see Indian Point Probabilistic Safety Study (IPPSS), Amendment 2, at 7.2-14A-1 through 7.2-14A-2, 7.2-21 through 7.2-21A-1 (April 1984).

Additionally, a reduction in the estimate of "the old WASH 1400 style source terms," Discussion Continuation at 14, currently used by Staff would significantly lower the value of any mitigative feature. Staff stated that "if source terms come down . . . then the value of the mitigation backfits could be substantially less than we

estimated in the hearing." Id. Staff is "now more confident than we were in the hearing that the licensee[s'] position on . . . reduced source terms has some merit."

Id. Specifically, licensees' witnesses demonstrated that using more realistic source terms reduces the potential worth of a mitigative device by a factor of 10. Licensees' Testimony of William R. Stratton, Walton A. Rodger, and Thomas E. Potter on Question One at 63-64.

Licensees and Staff agree that the absolute risk at Indian Point is low, Discussion of Indian Point Probabilistic Risk Assessment at 69 (Sept. 5, 1984); Licensees' Testimony on Question One at 23, that neither plant "is an outl[i]er in the sense of being outside the spectrum of what one would find in other plants licensed to operate by the [C]ommission," Discussion Continuation at 51, and that Indian Point does not "require[] any special treatment." Id. at 66. For the foregoing reasons, licensees oppose "a continuous search for backfit," id. at 50, which could be a "never ending process." Id. at 54.

III. A Safety Assurance Program is Not Appropriate

Licensees likewise are opposed to the compulsory imposition of the Safety Assurance Program (SAP) proposed by Staff. Licensees contend that imposition of a SAP on a non-generic basis at just a few plants with low absolute risks and which, by Staff's own admission, do not merit "special

treatment," is inappropriate.¹ Additionally, as Chairman Palladino and Commissioner Zech noted, this "program" is "ill-defined," requires more "background" and "specificity," and a clearer statement of what Staff is "trying to do" with such a program. Id. at 77-79. Staff stated that if licensees are ordered to implement SAP it "would be the first time that the [C]ommission would have used its regulatory authority . . . to impose one." Id. at 40. Further, many of the issues SAP is intended to address are generic, id., and should be addressed in a broader context by the Commission. Because all core cooling and containment cooling systems would have to fail to cause an overpressurization of containment, many of the issues addressed in SAP, e.g., aging of equipment and operator training, have minimal impact on public health risk. See Licensees' Comments on the Recommendations of the Indian Point Special Proceeding Licensing Board at 12-15 (Feb. 6, 1984); Summary at 10.3-10.6.


1. Adoption of a SAP would require a showing of "substantial, additional protection which is required for the public health and safety." 10 C.F.R. § 50.109 (1984); see 46 Fed.Reg. 16,900, 16,902 (1984). Licensee objections to the imposition of a backfit would require an assessment by Staff of the costs and benefits of the proposed requirement. 46 Fed.Reg. at 16,904.

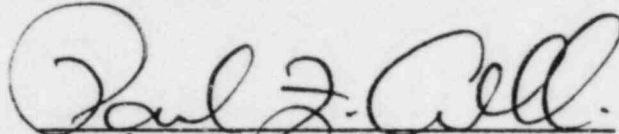
The genesis of this program, according to Staff, was its concern that licensees' PRA might not be used to maintain plant safety. Discussion Continuation at 41. Staff acknowledged, however, that "[t]here is some evidence that they were making broader use of it, and more of their personnel are aware of it." Id. In fact, IPPSS has not "sat on a shelf." Since IPPSS was submitted to the Commission in March 1982, two amendments to the original document have been submitted, Amendment 1 in January 1983, and Amendment 2 in April 1984. IPPSS, which involved more than two years (50 man years) of intensive effort, has already been used by the Power Authority in its continuing research on source terms. See Risk Management Associates and New York Power Authority, Source Term Safety Assessment, Indian Point 3 Nuclear Power Plant (July 10, 1984). This work was presented to the Advisory Committee on Reactor Safeguards, Subcommittees on Class 9 Accidents and on Indian Point on July 23, 1984. As Staff noted, licensees have already used IPPSS to modify the plants. Discussion Continuation at 23. Licensees submit that their use of IPPSS should continue on a voluntary, not compulsory, basis.

IV. Conclusion

It has been more than five years since the Union of Concerned Scientists filed its petition, a year and a half since the hearings ended, and a year since the Atomic Safety and Licensing Board issued its recommendations, in which it found no basis for curtailing the operations Indian Point plants. The record in these proceedings is complete. All parties are in agreement that further testimony or submissions are unnecessary. The inescapable conclusion, upon consideration of the record, is that Indian Point Units 2 and 3 are operated safely, pose no undue risk to the public health, and require no further physical or procedural modifications. Licensees submit, therefore, that the Commission should conclude these proceedings. Otherwise, the Commission may have embarked on a "never ending process."

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October 1984,
I caused a copy of Licensees' Comments on October 2, 1984
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hand on those marked with an asterisk, and by first class
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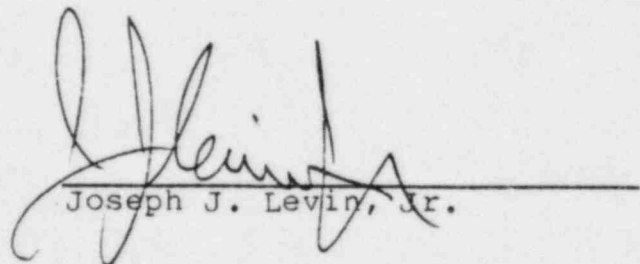
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