

Docket No. 50-247

10-19-71

Consolidated Edison Company of New York, Inc.  
ATTN: Mr. William J. Cahill, Jr.  
Vice President  
4 Irving Place  
New York, New York 10003

Gentlemen:

Pursuant to the Orders of the Atomic Safety and Licensing Board dated July 20, 1971, and October 15, 1971, respectively, the Atomic Energy Commission has issued Facility Operating License No. DPR-26 (copy enclosed) to the Consolidated Edison Company of New York, Inc. The license permits fuel loading and subcritical testing of the Indian Point Nuclear Generating Unit No. 2. The reactor is designed for operation at approximately 2758 megawatts thermal, but in accordance with the provisions of Facility Operating License No. DPR-26 and the Technical Specifications appended thereto, is restricted to fuel loading and subcritical testing and at no time shall the reactor be made critical following fuel loading and subcritical testing. A related notice which has been forwarded to the Office of the Federal Register for filing and publication is enclosed for your information.

Copies of the Orders of the Atomic Safety and Licensing Board are also enclosed.

Two signed copies of Amendment No. 10 to Indemnity Agreement No. B-19, which covers the activities authorized under License No. DPR-26 are enclosed for your review and acceptance. Please sign and return one copy of the amendment to this office.

Sincerely,

Peter A. Morris, Director  
Division of Reactor Licensing

Enclosures:

1. Facility Operating License DPR-26
2. Federal Register Notice
3. Orders

Amendment No. 10 to Indemnity Agreement #B19			
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cc w/encl: Laboef, Lamb, Leiby & MacRae  
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UNITED STATES  
ATOMIC ENERGY COMMISSION  
WASHINGTON, D.C. 20545

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

(Indian Point Nuclear Generating Unit No. 2)

DOCKET NO. 50-247

FACILITY OPERATING LICENSE

License No. DPR-26

The Atomic Energy Commission (the Commission) having found that:

- a. Construction of the Indian Point Nuclear Generating Unit No. 2, (the facility) has been substantially completed in conformity with Provisional Construction Permit No. CPPR-21, the application, as amended, the provisions of the Atomic Energy Act of 1954, as amended (the Act) and the rules and regulations of the Commission;
- b. The facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and
- c. There is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission; and
- d. The Consolidated Edison Company of New York, Inc. is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the rules and regulations of the Commission; and
- e. The applicable provisions of 10 CFR Part 140 have been satisfied; and
- f. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public; and is pursuant to Orders of the Atomic Safety and Licensing Board dated July 20, 1971 and October 15, 1971, respectively, authorizing fuel loading and sub-critical testing, in accordance with Section 50.57(c) and Appendix D, Section D 2, of 10 CFR Part 50.

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Facility Operating License No. DPR-26 is hereby issued to Consolidated Edison Company of New York, Inc. (Consolidated Edison), as follows:

1. This license applies to Indian Point Nuclear Generating Unit No. 2, a four loop pressurized water reactor, and electric generating equipment (the facility). The facility is located in Westchester County, near the town of Buchanan, New York, and is described in the "Final Safety Analysis Report," as supplemented and amended (Amendments Nos. 9 through 25).
2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Consolidated Edison:
  - A. Pursuant to Section 104b of the Atomic Energy Act of 1954, as amended (the Act), and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility as a utilization facility at the designated location of Indian Point Nuclear Generating Unit No. 2;
  - B. Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material," to receive, possess, and use at any one time up to 4200 kilograms of Uranium 235 as reactor fuel assemblies, one gram of Uranium 235 contained in fission detectors and 20 grams of Pu-238 and 3 grams of Pu-239 contained in 4 Plutonium-Beryllium neutron sources, in connection with operation of the facility;
  - C. Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess, and use in connection with operation of the facility: four sources of Cesium 137, one source of 5 curies, one source of 100 millicuries, and one source of 10 millicuries, all as sealed sources, and one source of 1 millicurie without restriction as to chemical or physical form; seven sources of Cobalt 60, one source of 10 millicuries, one source of 1 millicurie, two sources of 60 microcuries each and two sources of 200 microcuries each, all as sealed sources, and one source not to exceed 200 microcuries without restriction as to chemical or physical form; four sources of Strontium 90, three of 1 millicurie each as sealed sources, and one source not to exceed 200 microcuries without restriction as to chemical or physical form; one source of 200 microcuries each (without restriction as to chemical or physical form) of Cobalt 58, Zirconium 95, Chromium 51, Iodine 131, Iron 59, Manganese 54, Silver 110; and one source of Hafnium 181 of 300 microcuries and one source of Krypton 85 of one curie without restriction as to chemical or physical form.

- D. Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations: 10 CFR Part 20, Section 30.34 of 10 CFR Part 30, Section 40.41 of 10 CFR Part 40, Sections 50.54 and 50.59 of 10 CFR Part 50, and Section 70.32 of 10 CFR Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission, now or hereafter in effect; and is subject to the additional conditions specified below:
- A. Maximum Power Level  
Consolidated Edison is authorized to load fuel and perform subcritical tests, but at no time shall the reactor be made critical following fuel loading.
- B. Technical Specifications  
The Technical Specifications contained in Appendix A attached hereto are hereby incorporated in this license. Consolidated Edison shall load fuel and perform subcritical tests, (but at no time shall the reactor be made critical following fuel loading) in accordance with the Technical Specifications, and may make changes therein only when authorized by the Commission in accordance with the provisions of Section 50.59 of 10 CFR Part 50.
- C. Chemical Releases  
Residual chlorine concentration in the discharge canal shall not be permitted to exceed 0.5 ppm for the 1 hour period of chlorination three times a week.
- D. Reports  
Consolidated Edison shall make certain reports in accordance with the requirements of the Technical Specifications.
- E. Records  
Consolidated Edison shall keep facility operating records in accordance with the requirements of the Technical Specifications.
4. Consolidated Edison shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility

covered by this operating license. This condition does not apply to radiological effects, since such effects are dealt with in other provisions of this operating license.

5. This license is issued without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility.
6. Pursuant to Section 50.60 of 10 CFR Part 50, paragraph 4 of Provisional Construction Permit No. CPPR-21 allocating quantities of special nuclear material, together with the related estimated schedules contained in Appendix A attached to said provisional construction permit, shall remain in effect.
7. This license is effective as of the date of issuance, and shall expire six (6) months from said date, unless extended for good cause shown, or upon the earlier issuance of a subsequent licensing action.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by  
Peter A. Morris

Peter A. Morris, Director  
Division of Reactor Licensing

Enclosure:  
Appendix A - Technical Specifications

Date of Issuance: OCT 14 1971

UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NO. 50-247

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

(Indian Point Nuclear Generating Unit No. 2)

NOTICE OF ISSUANCE OF FACILITY OPERATING LICENSE

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-26 to Consolidated Edison Company of New York, Inc., (Consolidated Edison) which permits fuel loading and subcritical testing of the Indian Point Nuclear Generating Unit No. 2 (facility), a pressurized water nuclear reactor located at Consolidated Edison's site near Buchanan in Westchester County, New York. The facility is designed for operation at approximately 2758 megawatts thermal, but in accordance with the provisions of Facility Operating License No. DPR-26 and the Technical Specifications appended thereto, activities under the license are restricted to fuel loading and subcritical testing and it is provided that at no time shall the reactor be made critical following fuel loading.

On October 6, 1970, Consolidated Edison requested a public hearing on its application for a license to operate the facility at full power. Pursuant to a Commission Order, a public hearing before an Atomic Safety and Licensing Board (Board) commenced on December 17, 1970 in Buchanan, New York. This hearing is still in progress. On June 18, 1971, Consolidated Edison requested the Board, pursuant to 10 CFR Section 50.57

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of the Commission's regulations to issue an order authorizing the Director of Regulation to make the necessary findings and issue a license permitting fuel loading and subcritical testing. The Board issued such an order on July 20, 1971.

Before the license permitting fuel loading and subcritical testing of the facility could be issued, the Commission amended Appendix D of 10 CFR Part 50, which is a statement of general Commission policy relating to the implementation of the National Environmental Policy Act of 1969 in connection with licensing actions. Subsequently Consolidated Edison and the staff presented to the Board information as to the environmental impact of the proposed fuel loading and subcritical testing license. On October 15, 1971, the Board issued an order, based on a consideration of the evidence adduced in reference to the environmental impact of the activities to be authorized under the proposed license, affirming the authorization granted in its July 20, 1971 order.

The Commission's regulatory staff has inspected the facility and has determined that, for fuel loading and subcritical testing, the facility has been constructed in accordance with the application, as amended, and

the provisions of Provisional Construction Permit No. CPPR-21, as amended. The licensee has submitted proof of financial protection in satisfaction of 10 CFR Part 140.

The Director of Regulation has made the findings set forth in the license, and has concluded that the application for construction permit and facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1, that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The license is effective as of the date of issuance and shall expire six (6) months from said date, unless extended for good cause shown, or upon earlier issuance of a subsequent licensing action.

Copies of (1) the Board's orders of July 20, 1971 and October 15, 1971, (2) Facility Operating License No. DPR-26, complete with Technical Specifications, (3) the Safety Evaluation for the Indian Point Nuclear Generating Unit No. 2, dated November 16, 1970, and Supplements 1, 2, and 3 thereto, dated November 20, 1970, July 1971 and September 3, 1971, respectively, (4) the report of the Advisory Committee on Reactor Safeguards on the Indian Point Nuclear Generating Unit No. 2, dated September 23, 1970, and (5) "Discussion and Conclusions by the Division of Reactor Licensing, U. S. Atomic Energy Commission, Pursuant to Appendix D of 10 CFR Part 50, Supporting the Issuance of a License to

Consolidated Edison Company of New York, Inc., Authorizing the Loading of Fuel and Subcritical Testing of Indian Point Unit No. 2, Docket No. 50-247, dated October 6, 1971," are available for public inspection in the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. Copies of the license, complete with Technical Specifications, and items (3) and (5) above may be obtained upon request addressed to the Atomic Energy Commission, Washington, D. C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this *19<sup>th</sup>* day of October, 1971.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by  
Peter A. Morris

Peter A. Morris, Director  
Division of Reactor Licensing

UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

IN THE MATTER OF

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

DOCKET NO. 50-247

ORDER CONFIRMING ORDER OF JULY 20, 1971 AUTHORIZING  
DIRECTOR OF REGULATION TO MAKE FINDINGS ON ISSUES HEREIN AND  
TO PROVIDE LICENSE FOR FUEL LOADING AND SUB-CRITICAL TESTING

On October 5, 1971, Consolidated Edison Company of New York, Inc. (Applicant) presented evidence that there would not be any adverse environmental impact if fuel loading and sub-critical testing of the nuclear reactor power facility were undertaken. Authorization for this loading and testing was granted by the Atomic Safety and Licensing Board to the Director of Regulation on July 20, 1971. No party to this proceeding made any objection to this environmental opinion of the Applicant. On October 8, 1971, the Regulatory Staff submitted comments that there would not be any significant adverse environmental impact from this proposed activity.

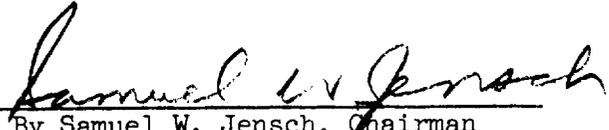
Upon a consideration of the evidence adduced in reference to the environmental impact of the proposed fuel loading and sub-critical testing, including the representations that no radioactivity, either gaseous or liquid, will be released in the course of this activity, that the chemical discharges will not be harmful, and that the thermal releases are of low level and are consequent from pump operations,

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the Atomic Safety and Licensing Board concludes upon the basis of the record presented that there is no reason to change or modify the authority granted by the Board on July 20, 1971.

WHEREFORE, IT IS ORDERED, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that the Order of the Atomic Safety and Licensing Board issued on July 20, 1971 is confirmed.

ATOMIC SAFETY AND LICENSING BOARD

  
By Samuel W. Jensch, Chairman

Issued:  
October 15, 1971  
Germantown, Maryland

UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

IN THE MATTER OF

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

DOCKET NO. 50-247

ORDER AUTHORIZING DIRECTOR OF REGULATION  
TO MAKE FINDINGS ON ISSUES HEREIN AND TO PROVIDE  
LICENSE FOR FUEL LOADING AND SUB-CRITICAL TESTING

On June 21, 1971, Consolidated Edison Company of New York, Inc. (Applicant) filed a motion seeking authority to undertake fuel loading and sub-critical testing in the nuclear power facility, which is understood will be constructed to the completeness sufficient for the operation here sought to be authorized.

No party to the proceeding opposed the motion, although Intervenor Citizens Committee for the Protection of the Environment stated that it would oppose any application that involved any low power testing of the facility.

The Atomic Energy Commission in its Notice of Hearing issued in this proceeding authorized the Atomic Safety and Licensing Board to receive and consider a motion, if made in writing, for an Order for an operating license authorizing fuel loading and low power testing (which was specified to be an operation at not more than one percent of full power for the testing of the facility). The Commission further provided that if such a motion were contested by any party to the proceeding,

then the Atomic Safety and Licensing Board should issue a determination in the form of an initial decision, which would include findings on the issues prescribed by the Commission for consideration. By contrast, the Commission provided that if no objection were asserted to such a motion, then the Atomic Safety and Licensing Board need only issue an Order authorizing the Director of Regulation to make appropriate findings on the matters specified in the Notice of Hearing and to issue a license for the requested operation.

At the hearing convened on July 13, 1971, discussion was had in reference to the authority of the Atomic Safety and Licensing Board to issue any order that did not involve low power testing, that is involving criticality of the nuclear fuel core. The Applicant contended that since the authority sought, i.e., for sub-critical testing, is less than the full authority granted by the Commission, the Board had the requisite authority.

The Board is further concerned that the position of the aforesaid Intervenor is conditioned upon the premise that there be no criticality nor exchange of neutrons following the fuel loading. If the reactor is not maintained sub-critical during the testing, then, in accordance with the Commission's direction in the Notice of Hearing, an initial decision must be issued regarding this matter. The Board, therefore, specifies and directs for this authorization in this

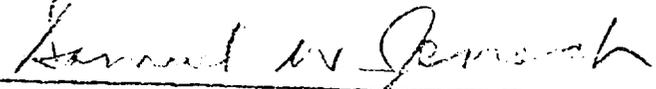
proceeding that the Director of Regulation expressly condition his appropriate findings regarding the application herein for fuel loading and sub-critical testing, that at no time shall the reactor be made critical following fuel loading, and if there is such criticality, or if this direction for a condition is not acceptable to the Director of Regulation, then this authorization is no longer valid nor effective and the Applicant's position shall then be reconsidered by the Atomic Safety and Licensing Board.

The Board would note that in the course of its securing updated information respecting the status of construction of the nuclear power facility, data are presented on the record that there are a number of uncompleted components and systems that will prevent immediate fuel loading. The Compliance Section of the Commission has indicated that their review will continue to ascertain when this facility will be ready for fuel loading and the Board desires to be informed by the Compliance Section when that time has arrived.

WHEREFORE, in accordance with the Atomic Energy Act, as amended, the Rules of Practice of the Commission, the Notice of Hearing in this proceeding, and this Order with direction to condition the authorization, IT IS ORDERED that the Director of Regulation is

authorized to make appropriate findings with the condition as specified and directed by this Order for the fuel loading and sub-critical testing for the operations requested by the motion filed by Consolidated Edison Company of New York, Inc.

ATOMIC SAFETY AND LICENSING BOARD



By Samuel W. Jensch, Chairman

Issued:  
July 20, 1971  
Germantown, Maryland