

UNITED STATES GOVERNMENT

Memorandum

SEPARATED LEGAL FILES

TO : Separated Legal Files

DATE: May 12, 1966

FROM : Troy B. Conner, Jr.

SUBJECT: INDIAN POINT 2
FLORIDA POWER & LIGHT

56-247

50-250

May 11, 1966

Roger Boyd came down today to discuss whether the letter to Con Ed on Indian Point 2 requesting additional information, should also contain a question on the possible stretch capacity on that reactor. The application discusses only a planned power level of 2750 Mwt, although some components are sized for greater capacities. In Florida Power & Light, the application is ambiguous in indicating that a construction permit may be sought authorizing 2300 Mwt, even though initial operation at 2097 is indicated.

The Board's decision in the Millstone Point case asserts that the stretch capacity should be considered at the mandatory hearing. Roger and I agreed that on Indian Point 2 we would need to know Westinghouse's position as to any proposed stretch promptly in order to avoid delay. Accordingly, I called Gene Thomas, who was attending congressional hearings. In his and Upton's absence, I called Ted Stern on the matter. Ted had not yet read the Millstone Point decision, but knew generally of its contents. His attitude was that the Commission could not possibly "live with" the Board's decision. He outlined the technical problems and the need for verification of basic capability before proceeding to any higher level. He emphasized that Yankee, for example, had been "stretched" far beyond the originally expected capability.

Specifically, on Indian Point 2, Ted stated that "there is no planned stretch in Indian Point 2 above the 2750 figure." He specifically asked that we not include a question on this point in our letter. I stated that we would probably have to make a record on this point eventually, but that we can probably wait to handle the matter at the hearing. I told Ted that I would put a memo in the file on our conversation, however.

I read him the language in § 1.3.1 in Florida Power & Light to point out the ambiguity. I also said that I understood that the applicant believed that the construction permit was requested for the full power of 2300. He stated he would discuss this with the applicant and with us later.

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During the conversation, we noted that Southern California Edison might be affected by the Board's decision in Millstone because the planned power level for that facility as stated in the construction permit was 395 Mwe. I noted, however, that the application for the operating license was for 450.

Approximately one hour later, Stern called back and stated that he had Jack Pitcher, Hank Von Hollen and another project manager with him. He asked if I would again outline the Millstone Point decision and its possible implications on the pending Westinghouse cases. I did so, and we again discussed the points noted above.

In the afternoon Gene Thomas returned my call and agreed that there was no planned stretch in Indian Point 2.

cc: H. K. Shapar
R. S. Boyd ~~████████~~
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